

CHAP. 502.—An Act To authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Black Warrior River, in Tuscaloosa County, Alabama, in section three, township twenty-one south, range nine west of Huntsville meridian.

March 9, 1904.
[H. R. 7288.]

[Public, No. 42.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mobile and West Alabama Railroad Company, a corporation created and existing under an act of the general assembly of the State of Alabama, be, and is hereby, authorized to construct and maintain a railroad bridge for the passage of railway engines and cars across the Black Warrior River, at such point as may be selected by such company in section three, township twenty-one south, range nine west of the Huntsville meridian, in Tuscaloosa County, Alabama; said location to be subject to the approval of the Secretary of War, and said bridge to be so constructed as not to obstruct the navigation of said river, subject to the conditions and limitations hereinafter specified: *Provided,* That any bridge constructed under this Act and according to its limitations shall be a lawful structure and shall be known and recognized as a post route, upon which, also, no higher charge shall be made for the transportation over the same of the mail, the troops, and munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridge; and the same is hereby declared to be a post route, and the United States shall have the right of way for postal, telegraph, and telephone purposes across said bridge, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies: *Provided also,* That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such use or the sums to be paid, all matters at issue shall be determined by the Secretary of War upon hearing the allegations and proofs submitted to him.

SEC. 2. That the bridge authorized to be constructed under this Act shall be a drawbridge; the draw span shall be over the main channel of the said stream at an accessible navigable point, and the openings on each side of the pivot pier shall be not less than one hundred and fifty feet in the clear, unless otherwise expressly directed by the Secretary of War, and if so directed shall be according to such direction; and the openings shall be accessible at all stages of the water; the river piers shall be protected with suitable fenders or cribs to safeguard navigation; the piers shall be parallel to the direction of the current of the stream at the site of the proposed structure, and the axis of the bridge shall be at right angles thereto; and the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the proposed bridge and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction or after completion, such change shall be subject to the approval of the Secretary of War.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act at any time; and that if at any time navigation of said river shall in any manner be obstructed or impaired by the said bridge the

Black Warrior River,
Ala.
Mobile and West Alabama Railway Company may bridge.

Location.

Provisos.
Lawful structure and post route.

Telegraph, etc., rights.

Use by other roads.

Drawbridge.

Protection to navigation.

Secretary of War to approve plans, etc.

Changes.

Secretary of War shall have authority, and it shall be his duty, to require the said bridge company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment.

Opening draw.

SEC. 4. That the draw provided for the bridge herein authorized to be constructed shall be opened promptly, upon reasonable signal, for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

Lights, etc.

Time of construction.

SEC. 5. That if actual construction of the bridge herein authorized shall not be commenced within one year and be completed within three years from the date of approval of this Act, the rights and privileges hereby granted shall cease and be determined.

Approved, March 9, 1904.

March 9, 1904.
[H. R. 11812.]
[Public, No. 49.]

CHAP. 503.—An Act Relating to applications, declaratory statements, entries, and final proofs under the homestead and other land laws, and to confirm the same in certain cases when made outside of the land district within which the land is situated.

Public lands.
Confirmation of entries, etc., made outside of proper district.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall appear to the Commissioner of the General Land Office that an error has heretofore been made by the officers of any local land office in receiving any application, declaratory statement, entry, or final proof under the homestead or other land laws, and that there was no fraud practiced by the entryman, and that there are no prior adverse claimants to the land described in the entry, and that no other reason why the title should not vest in the entryman exists, except that said application, declaratory statement, entry, or proof was not made within the land district in which the lands applied for are situated, as provided by the Act of March eleventh, nineteen hundred and two, such entry or proof shall be confirmed.

Vol. 32, p. 63.
Ante, p. 59.

Effect.

SEC. 2. That this Act shall be in force from and after its passage and approval.

Approved, March 9, 1904.

March 9, 1904.
[S. 121.]
[Public, No. 44.]

CHAP. 504.—An Act Granting additional lands adjacent to the site of the University of Montana to the State of Montana for the uses of said university.

Montana.
Additional land granted to University of.
Vol. 21, p. 326.
Description.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the State of Montana for the use of the University of Montana the following-described land lying within Missoula County, Montana, and adjacent to the site of said university in said State, namely: The south half of section twenty-six; the south half of the northeast quarter and the south half of the northwest quarter of section twenty-six; all situated in township thirteen north and range nineteen west, the same to be used for a site for an observatory for said university.

Patent.

SEC. 2. That the Secretary of the Interior is hereby authorized to issue a patent for the said land from the United States to the State of Montana.

Approved, March 9, 1904.