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March 3, 1905.
[S. 6841.]
[Public, No. 223.]

CHAP. 1490.—An Act To authorize the Pensacola, Alabama and Western Railroad Company, a corporation existing under the laws of the State of Florida, to construct a bridge over the Tombigbee River, in the county of Lowndes, in the State of Mississippi, and to construct a bridge over the Alabama River, between the counties of Clarke and Monroe, in the State of Alabama, and to construct a bridge over the Black Warrior River, between the counties of Greene and Marengo, in the State of Alabama.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Pensacola, Alabama and Western Railroad Company, a corporation existing under the laws of the State of Florida, be, and is hereby, authorized to construct, operate, and maintain a bridge over the Tombigbee River, in the county of Lowndes, in the State of Mississippi, at a point to be approved by the Secretary of War, a bridge over the Alabama River between the counties of Clarke and Monroe, State of Alabama, at a point to be approved by the Secretary of War, and a bridge over the Black Warrior River, between the counties of Greene and Marengo, in the State of Alabama, at a point to be approved by the Secretary of War. Said bridges shall be constructed to provide for the passage of railway trains, and, at the option of the persons by whom they may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War; and in case of any litigation concerning any alleged obstruction to the free navigation of said rivers on account of said bridges the case may be tried before the circuit court of the United States in whose jurisdiction any portion of said obstruction or bridge is located: *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 bridges from the operation of same.

Tombigbee, Alabama, and Black Warrior rivers, Miss. and Ala.
Pensacola, Alabama and Western Railroad Company may bridge.
Railway, wagon, and foot bridges.
Litigation.
Proviso.
Existing laws not affected.

SEC. 2. That any bridge constructed 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 transmission over the same for the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over railroads or public highways leading to said bridges; and the United States shall have the right of way for telegraph, postal-telegraph, and telephone purposes across said bridges; and equal privileges in the use of said bridges shall be granted to all telegraph and telephone companies.

Lawful structures and post routes.
Telegraph, etc., rights.

SEC. 3. That if said bridges shall be constructed as drawbridges they shall be constructed with a draw over the main channel of the river at an accessible and the best navigable point, and said draw shall be opened promptly upon reasonable signal, for the passage of boats, and upon whatever kind of bridge is constructed the said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals as the Light-House Board shall prescribe.

Draws.
Lights, etc.

SEC. 4. That all railroad companies desiring the use of said bridges shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridges and the several railroad companies, or any one of them desiring such use, shall fail to agree upon the sum to be paid, and upon the rules or conditions to which each shall conform in using said bridges, 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.

Use by other companies.
Compensation.

SEC. 5. That any 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 rivers as the Secretary of War shall prescribe, and to secure that object the said company or corporation

Secretary of War to approve plans, etc.

shall submit to the Secretary of War, for his examination and approval, designs and drawings of the bridges, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of said rivers, the shore lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of said streams, the location of any other bridge or bridges, 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 locations of the bridges are approved by the Secretary of War the bridges shall not be built; and should any change be made in the plans of said bridges during the progress of construction, or after completion, such change shall be subject to the approval of the Secretary of War; and said bridges shall be changed at the cost of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said rivers.

Changes.

Amendment.

SEC. 6. That the right to alter, amend, and repeal this Act is hereby expressly reserved.

Time of construction.

SEC. 7. That this Act shall be null and void unless the construction of said bridges hereby authorized shall be commenced within three years and be completed within five years from the date of the approval of this Act.

Approved, March 3, 1905.

March 3, 1905.
[S. 7012.]
[Public, No. 224.]

CHAP. 1491.—An Act To amend an Act entitled "An Act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes."

Alaska.
Roads, schools, etc.
Ante, p. 617.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of "An Act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January twenty-seventh, nineteen hundred and five, be, and the same is hereby, amended so that it shall read as follows:

School districts in incorporated towns to be established by common council.

"SEC. 4. That the common council of the incorporated towns in said district shall have the power, and it shall be their duty, in their respective towns to establish school districts, to provide the same with suitable schoolhouses, and to maintain public schools therein and to provide the necessary funds for the schools; but such schools when established shall be under the supervision and control of a school board of three members, consisting of a director, a treasurer, and a clerk, to be elected annually by the vote of all adults who are citizens of the United States or who have declared their intention to become such and who are residents of the school district. The members of said board first elected shall hold their offices for the term of one, two, and three years, respectively, and until their successors are elected and qualified, and one member of such board shall be elected each year thereafter and shall hold his office for a period of three years and until his successor is elected and qualified; and they shall each, before entering upon the duties of their office, take an oath in writing to honestly and faithfully discharge the duties of their trust. In case a vacancy in the membership of said board occurs from death, resignation, removal, or other cause, such vacancy may be filled by a special election, upon ten days' notice, called by the remaining members of the board upon the petition of five qualified voters. All money available for school purposes, except for the construction and equipment of schoolhouses and the acquisition of sites for the same, shall be expended under the direction of said board, and the treasur-

School board.

Term of office.
One-year term added.
Ante, p. 617.

Vacancies.

Expenditures of school fund.