

March 25, 1904.  
[H. R. 9319.]

[Public, No. 70.]

Red River of the  
North, N. Dak.  
Fargo and Moorhead  
Street Railway Com-  
pany may bridge.

Location.

Unobstructed navi-  
gation.

Secretary of War to  
approve plans, etc.

Provisos.  
Construction.

Opening draw.

Lights, etc.  
Aids to navigation.

Changes.

Litigation.

**CHAP. 837.**—An Act Providing for the construction of a bridge across the Red River of the North at Fargo, North Dakota.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Fargo and Moorhead Street Railway Company, a corporation duly organized under the general incorporation laws of the State of North Dakota, its successors and assigns, is hereby authorized to construct and maintain a bridge across the Red River of the North between the city of Fargo, Cass County, North Dakota, and the city of Moorhead, county of Clay, Minnesota, and also to lay on and over said bridge a railway track or tracks for the passage of electric cars.

**SEC. 2.** That said bridge shall be constructed and built without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure that object the said 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-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 at all stages, and the soundings, accurately showing the bed of the stream, 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 location of the bridge are approved by the Secretary of War the bridge shall not be built: *Provided,* That said bridge shall be constructed as a pivot draw-bridge with a draw over the main channel of the river at an accessible and navigable point and with spans of not less than ninety feet in length in the clear on each side of the central or pivot pier of the draw, and the headroom under all river spans shall not be less than five feet above local high-water mark, and the piers of said bridge shall be built with the current of said river and the bridge itself shall be as near at right angles thereto as practicable: *Provided also,* That said draw shall be opened promptly upon the reasonable signal for the passing of boats; the said 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: *Provided also,* That said corporation shall, at its own expense, build and maintain under direction and supervision of the Secretary of War, such wing dams and booms or other works necessary to maintain the channel within the draw spans of said bridge, and shall, at its own expense, maintain a depth of water through its draw spans of not less than that now existing, as shown by the report of the War Department, at the point where said bridge may be located.

**SEC. 3.** That the Secretary of War is hereby authorized and directed, upon receiving such plan and map and other information, and upon being satisfied that the bridge built upon such plan, with such accessory works, and at such locality, will conform to the prescribed conditions of this Act, to notify said corporation that he approves the same; and upon such notification the said company may proceed to the erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War; and if any bridge erected under said authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause said change or alteration of said bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions be removed at the expense of said corporation; and in case of any litigation arising from any obstruction, or

alleged obstruction, to the free navigation of said river, caused, or alleged to be caused by said bridge, a case may be brought in any court of the United States in the State of North Dakota in which any portion of said bridge may be 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 this bridge from the operation of the same: *Provided further*, That this 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.

*Provisos.*  
Existing laws not affected.

Piling, etc., to be removed.

Lawful structure and post route.

SEC. 4. That said bridge and accessory works, when built and constructed under this Act, and according to the terms and limitations thereof, shall be lawful structures, and said bridge shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to such bridge; and said bridge shall enjoy the rights and privileges of other post routes of the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charges over said bridge.

Toll.

SEC. 5. That the United States shall have the right of way for such postal telegraph lines across said bridge as the Government may construct or control. And all street-railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges upon reasonable terms relative to the passage of railway trains or cars over the same and over the approaches thereto, and all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across the bridge.

Telegraph, etc., rights.

Use by other roads.

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 of the approval thereof.

Time of construction.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this Act at any time.

Amendment.

Approved, March 25, 1904.

**CHAP. 838.**—An Act To confirm and validate patents to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River.

March 25, 1904.  
[H. R. 6787.]

[Public, No. 71.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all patents heretofore issued for lands in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River, designated in the Act of June fifth, eighteen hundred and seventy-two, in desert entries, preemption entries, mining entries, entries under the Act of June third, eighteen hundred and seventy-eight, as extended to all the public-land States by the Act of August fourth, eighteen hundred and ninety-two, commonly known as the timber and stone law, and for lands selected for the benefit of the university of the State of Montana prior to the passage of the Act of August third, eighteen hundred and ninety-four, are hereby confirmed and said patents validated, to all intents and purposes the same as if the law under which said patents were issued was applicable to said lands.

Bitter Root Valley,  
Mont.  
Patents to certain  
lands in, confirmed.  
Vol. 17, p. 226.

Vol. 20, p. 89.

Vol. 27, p. 348.

Vol. 28, p. 222.

Approved, March 25, 1904.