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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.

Amendment.

SEC. 5. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Time of construction.
Post, p. 715.

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.

April 5, 1904.
[S. 3430.]
[Public, No. 81.]

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.

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

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.

Railroad, wagon, and foot bridge.

Toll.

Lawful structure and post route.

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.

Telegraph, etc., rights.

Unobstructed navigation.

Lights, etc.

Proviso.
Use by other roads.

Secretary of War to approve plans, etc.

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

drawings of the said bridge and a map of the location of the same, giving the topography of the banks of the river, the shore line at high and low water, and the direction and strength of the current at different stages, the location of any other bridge or bridges within one mile thereof, and such further information as may be required for a satisfactory understanding of the subject; and the construction of said bridge shall not be commenced until the plan and location is approved by the Secretary of War.

Amendment.
Changes.

SEC. 4. That the right to alter, amend, or repeal this Act is hereby reserved; and any alterations or changes that may be required by the Secretary of War in the bridge constructed under this Act shall be made by the corporation owning or controlling the same, at its own expense. Furthermore, if the construction of the said bridge is not commenced within one year and completed within three years from the date of approval of this Act, the rights and privileges hereby granted shall cease and be determined.

Time of construction.

Approved, April 5, 1904.

April 5, 1904.
[S. 4142.]
[Public, No. 82.]

CHAP. 860.—An Act Granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River, in Scott County, Iowa.

Mississippi River.
Davenport Water Power Company may construct a canal, etc., in Scott County, Iowa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress is hereby given to the Davenport Water Power Company, a corporation created and organized under the laws of the State of Iowa, its successors and assigns, to erect, construct, operate, and maintain a canal along the north bank of the Mississippi River between Leclaire and Davenport, in Scott County, in the State of Iowa, to erect, construct,

Dams.

operate, and maintain a power station thereon, and to project, erect, construct, operate, and maintain such dams and other works as may be necessary within said limits for the development of water power and the generation, use, and transmission therefrom of electric energy and power at, in, and upon the Rock Island Rapids of the Mississippi

Provisos.
Unobstructed navigation.

River: *Provided*, That the said canal and appurtenant works shall be so designed, constructed, and operated as not to interfere in any way with the safe and convenient navigation of steamboats and other vessels or of rafts and barges over the Rock Island Rapids at any stage of water; and the expense of any reconstruction or extension of or addition to existing works for the improvement of navigation on the said Rock Island Rapids, which may be found necessary, in the opinion of the Secretary of War, on account of the construction, maintenance, or operation of the said canal and appurtenant works, shall be borne by the said company, its successors, or assigns, under conditions to be

Secretary of War to approve plans, etc.

prescribed by the Secretary of War: *And provided further*, That detailed plans for the construction and operation of the said canal and appurtenant works shall be submitted to and approved by the Secretary of War before the commencement of the construction of any portion of the said works; and that after the approval of the said plans no deviation therefrom shall be made without the prior approval by the

Protection to Rock Island Arsenal, etc.

Secretary of War of the said deviation: *And provided further*, That the said works and appurtenances shall be so designed, constructed, and operated as not to overflow or otherwise damage the lands and other property of the United States at Rock Island Arsenal, or injure or diminish the water power of the United States at the said arsenal, or the water power of any person, firm, or corporation having hydraulic

Payment of damages.

works already constructed: *And provided further*, That before entering upon the construction of the said works, compensation shall be