AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Provisos.
Changes in contract.

and making the preliminary tests thereof: *Provided also*, That the Secretary of War is, in his discretion, hereby authorized to close the contract with said Emery, under which he is now making this twelve-inch carriage and its loading apparatus, by relieving him from all further work thereon and contracting with him for either an eight or ten inch disappearing carriage to be furnished by him in place thereof, together with its foundations, erection, and preliminary tests by him ready for the proof tests by the Board; and to pay therefor to the said Emery the said balance of eighty-four thousand three hundred and forty-three dollars and two cents, balance of appropriations above mentioned, in such sums and at such times as he shall, in his discretion, think best, to enable the said Emery promptly to construct and erect said carriage and its foundations and make the preliminary tests thereof, ready for its proof tests by the Board: *Provided further*, That in the judgment of the Secretary of War the eight or ten inch carriage hereby provided for can and will be completed within the sum of eighty-four thousand three hundred and forty-three dollars and two cents, heretofore appropriated.

Payments.

Conditions.

Approved, April 21, 1904.

April 21, 1904.
[H. R. 13739.]
[Public, No. 131.]

CHAP. 1408.—An Act To authorize the Blackberry, Kentucky and West Virginia Coal and Coke Company (Incorporated) to bridge the Tug Fork of the Big Sandy River, about one mile east of Matewan, West Virginia, where the same forms the boundary line between the States of West Virginia and Kentucky.

Tug Fork of Big Sandy River.
Blackberry, Kentucky and West Virginia Coal and Coke Company may bridge, near Matewan, W. Va.

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 Blackberry, Kentucky and West Virginia Coal and Coke Company (Incorporated), a corporation created and organized under the laws of West Virginia, existing and operating in West Virginia and Kentucky, to construct and maintain a railroad bridge, either standard or narrow gauge, to be operated by electricity or otherwise, together with approaches thereto, across the Tug Fork of the Big Sandy River, about one mile east of Matewan, West Virginia, where the said Tug Fork forms the boundary line between the States of West Virginia and Kentucky, as the said company may deem suitable for the passage of its said roads, the conveyance of coal, and for foot passengers over the said Tug Fork, subject to the approval of the Secretary of War.

Railroad and foot bridge.

Lawful structure and post route.

SEC. 2. That any bridge authorized to be constructed under this Act shall be a lawful structure, and shall be recognized and known as a post route, and shall enjoy all the rights and privileges of other post-roads in the United States, upon which also no higher charge shall be made for the transmission over the same of the mails, or for through passengers or freight passing over said bridge and approaches than the rate per mile paid for transportation over the railroads leading to said bridge; and the United States shall have the right of way for postal-telegraph and telephone purposes without charge therefor across said bridge and approaches. Said bridge shall be built and located under and subject to such regulations for the security of navigation as the Secretary of War shall prescribe, and to secure that object the said company or 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 mile above and one mile below the proposed location the high and low water lines upon the banks of the river, the direction and strength of the current at all stages of the water, with the soundings, accurately showing the bed of the stream and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of

Secretary of War to approve plans, etc.

the proper location of said bridge, 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 are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of construction or after completion, such changes shall be subject to the approval of the Secretary of War, and any changes which the Secretary of War may require at any time in the said structure shall be promptly made by the said company at its own expense.

Changes.

SEC. 3. That all railroad companies desiring the use of the bridge authorized by this Act 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 the payment of a reasonable compensation for such use; and in case the owner or owners of the 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 and upon the rules and conditions to which each shall conform in using said bridge, 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; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Use by other roads.

SEC. 4. That on any bridge constructed under the provisions of this Act there shall be maintained, at the expense of the company or corporation owning or controlling the same, such lights and other signals as may be prescribed by the Light-House Board.

Lights, etc.

SEC. 5. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced in one year and completed within three years from the date hereof.

Time of construction.

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

Amendment.

Approved, April 21, 1904.

CHAP. 1409.—An Act In relation to the location of the navigable channel of the Calumet River, Illinois and Indiana.

April 21, 1904.
[H. R. 13742.]

[Public, No. 132.]

Preamble.

Whereas by deed dated the thirtieth day of April, eighteen hundred and eighty-six, and recorded in the recorder's office of Cook County, Illinois, on the eighth day of April, eighteen hundred and eighty-nine, in book twenty-five hundred and twelve of records, at page four hundred and eighty, the owners of the northwest quarter of section thirty, township thirty-seven north, range fifteen east, of the third principal meridian, in Cook County, Illinois, gave and granted unto the United States of America free and unobstructed right of way in and through the above-described ground, two hundred feet in width, for purposes of a channel for the Calumet River, in accordance with the provisions of an Act of Congress approved July fifth, eighteen hundred and eighty-four, and in order to enable the United States to straighten the channel of the said Calumet River and conform to a survey and realignment of the channel lines of said river as adopted, established, and shown by plat approved by the Chief of Engineers of the United States Army and filed for record in the office of the recorder of deeds of Cook County, Illinois, on the seventeenth day of May, eighteen hundred and eighty-nine, as document one million one hundred and two thousand two hundred and eighty-four, entitled "Map of the Calumet River, Illinois, from Lake Michigan to Calumet Lake, to accompany report of W. G. Ewing, United States attorney, to the Attorney-General respecting cession of right of way for improvement of said river under Act of Congress approved July fifth, eighteen hundred and eighty-

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