

Opinion of the Court.

this case to decide. It is only necessary to say that the act of 1899 does not manifest the purpose of Congress to go to that extent under the power to regulate foreign and interstate commerce and thereby to supersede the original authority of the States. The effect of that act, reasonably interpreted, is to make the erection of a structure in a navigable river, within the limits of a State, depend upon the concurrent or joint assent of both the National Government and the state government. The Secretary of War, acting under the authority conferred by Congress, may assent to the erection by private parties of such a structure. Without such assent the structure cannot be erected by them. But under existing legislation they must, before proceeding under such an authority, obtain also the assent of the State acting by its constituted agencies.

For the reasons stated, the judgment of the Circuit Court is

Affirmed.

CALUMET GRAIN AND ELEVATOR COMPANY v.
CHICAGO.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE
NORTHERN DISTRICT OF ILLINOIS.

No. 135. Submitted December 19, 1902.—Decided February 23, 1903.

Same counsel as in No. 136, see p. 410, *ante*.

MR. JUSTICE HARLAN delivered the opinion of the court.

This case relates to the construction of a dock in Calumet River, on or in front of land belonging to the appellant. The facts upon which that company principally bases its claims for relief are those upon which the plaintiffs relied in *Cummings v. Chicago*, just decided. Upon the authority of the decision in that case, the judgment in this case is

Affirmed.