

## TITLE LXIII.

## RIVERS AND HARBORS.

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SEC. 5244. The Tennessee, Coosa, Cahawba, and Black Warrior Rivers, within the State of Alabama, shall be forever free from toll for all property belonging to the United States, and for all persons in their service, and for all citizens of the United States, except as to such tolls as may be allowed by act of Congress. [See § 2476.]

Certain rivers in Alabama to be free from tolls.

23 May, 1828, c. 75, s. 7, v. 4, p. 290.

Pollard v. Hagan, 3 How., 212; Pennsylvania v. Wheeling Bridge Co., 13 How., 518.

SEC. 5245. The assent of the United States is hereby given to any act which the legislature of the State of Alabama may pass for imposing a toll on the use of such parts of the canal or canals which have been, or may be, constructed at or around the Muscle and Colbert's Shoals of the river Tennessee. Such tolls shall be expended exclusively on the canals, and shall not exceed in amount the sum required to keep them in repair, and to defray the expenses of lock-tenders, collectors, superintendents, and managers. This section shall not affect the exemption of the property of the United States, and all persons in their service, from any toll whatever. An annual report shall be made to the Secretary of the Treasury of the United States, of the rate and amount of tolls charged or collected on said canals, and their application.

Toll on canals on the Tennessee.

23 June, 1836, c. 119, s. 2, v. 5, p. 57.

SEC. 5246. The Des Moines River shall forever remain free from any toll, or other charge whatever, for any property of the United States, or persons in their service, passing along the same. [See § 2476.]

The Des Moines River.

8 Aug., 1846, c. 103, s. 3, v. 9, p. 78. 20 Jan., 1870, c. 7, v. 16, p. 61.

SEC. 5247. The passage of vessels to and from the harbor of Michigan City, in Indiana, shall be free and not subject to toll or charge. [See § 2476.]

Michigan City Harbor.

23 June, 1866, c. 138, s. 1, v. 14, p. 73. 2 Mar., 1867, c. 144, s. 2, v. 14, p. 421.

SEC. 5248. So much of the Iowa River within the State of Iowa as lies north of the town of Wapello shall not be deemed a navigable river or public highway, but dams and bridges may be constructed across it.

The Iowa River.

13 July, 1868, Res. No. 55, v. 15, p. 257.

6 May, 1870, c. 92, v. 16, p. 121.

SEC. 5249. All tolls and revenues derived from the improvements made or acquired in the Wisconsin River and the line of water communication between the Wisconsin River and the Fox River, after providing for the current expenses of operating and keeping the same in repair, shall be paid into the Treasury; and whenever the United States shall be re-imbursed for all sums advanced for the same, with interest thereon, then the tolls shall be reduced to the least sum which, together with other revenues properly applicable thereto, if any, shall be sufficient to operate and keep the improvements in repair.

Wisconsin and Fox Rivers.

7 July, 1870, c. 210, s. 4, v. 16, p. 190.

SEC. 5250. The assent of Congress is given to the construction of bridges across the Maquoketa River, within the State of Iowa, with or without draws, as may be provided by the laws of that State.

Maquoketa River.

13 July, 1868, Res. No. 55, s. 1, v. 15, p. 257.

SEC. 5251. All the navigable rivers and waters in the former Territories of Orleans and Louisiana shall be and forever remain public highways. [See § 2476.]

Rivers in Louisiana.

3 Mar., 1811, c.

46, s. 12, v. 2, p. 606.—Martin v. Waddel, 16 Pet., 367; Pollard v. Hagan, 3 How., 212; Pennsylvania v. Wheeling Bridge Co., 13 How., 518; Den v. Jersey Co., 15 How., 426.

Water-gauges on the Mississippi River and tributaries.

21 Feb., 1871, Res. 40, v. 16, p. 598.

Employment of civil engineers on western and north-western rivers.

29 Mar., 1867, Res. 27, v. 15, p. 28.

Piers and cribs on the Mississippi.

3 Mar., 1873, c. 278, v. 17, p. 606.

Louisville and Portland Canal.

3 Mar., 1873, c. 233, s. 1, v. 17, p. 563.

11 May, 1874, c. 165, v. 18, p. 43.

SEC. 5252. The Secretary of War is hereby authorized and directed to have water-gauges established, and daily observations made of the rise and fall of the Lower Mississippi River and its chief tributaries, at or in the vicinity of Saint Louis, Cairo, Memphis, Helena, Napoleon, Providence, Vicksburgh, Red River Landing, Baton Rouge, and Carrollton, on the Mississippi, between the mouth of the Missouri and the Gulf of Mexico; and at or in the vicinity of Fort Leavenworth, on the Missouri; Rock Island, on the Upper Mississippi; Louisville, on the Ohio; Florence, on the Tennessee; Jacksonport, on the White River; Little Rock, on the Arkansas; and Alexandria, on the Red River; and at such other places as the Secretary of War may deem advisable. The expenditure for the same shall be made from the appropriation for the improvement of rivers and harbors; but the annual cost of the observations shall not exceed the sum of five thousand dollars.

SEC. 5253. The Chief of Engineers may, with the approval of the Secretary of War, employ such civil engineers, not exceeding five in number, for the purpose of executing the surveys and improvements of western and northwestern rivers, ordered by Congress, as may be necessary to the proper and diligent prosecution of the same; and the persons so employed may be allowed a reasonable compensation for their services, not to exceed the sum of three thousand dollars a year.

SEC. 5254. The owners of saw-mills on the Mississippi River are authorized and empowered, under the direction of the Secretary of War, to construct piers or cribs in front of their mill property on the banks of the river, for the protection of their mills and rafts against damage by floods and ice: *Provided, however,* That the piers or cribs so constructed shall not interfere with or obstruct the navigation of the river. And in case any pier or crib constructed under authority of this section shall at any time, and for any cause, be found to obstruct the navigation of the river, the Government expressly reserves the right to remove or direct the removal of it, at the cost and expense of the owners thereof.

SEC. 5255. The Secretary of the Treasury is directed to assume, on behalf of the United States, the control and management of the Louisville and Portland Canal in conformity with the terms of the joint resolution of the legislature of the State of Kentucky, approved March twenty-eighth, eighteen hundred and seventy-two, at such time and in such manner as in his judgment the interests of the United States, and the commerce thereof, may require: *Provided,* That after the United States shall assume control of said canal, the tolls thereon on vessels propelled by steam shall be reduced to twenty-five cents per ton, and on all other vessels in proportion.