

the execution of a sufficient bond by the said James A. Moore, or his assigns, insuring compliance with the provisions and conditions imposed: *And provided further*, That said canal and lock, when completed, shall be turned over to the United States ready for use and free of all expense to the United States, and thenceforth shall be and remain the sole and exclusive property of the United States, but the said James A. Moore, or his assigns, shall operate and maintain in suitable condition the said canal and lock after completion for a period of three years to the satisfaction of said Secretary of War and Chief of Engineers of the United States, free of cost to the United States, and from charges of any kind whatever, and free from the payment of all tolls.

Canal to be property of United States free of cost.

Time of completion. SEC. 2. That this Act shall be null and void unless the canal and lock herein authorized shall be commenced within one year and completed within three years from the date of the approval hereof.

Amendment. SEC. 3. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 11, 1906.

June 11, 1906.  
[H. R. 239.]  
[Public, No. 219.]

**CHAP. 3073.**—An Act Relating to liability of common carriers in the District of Columbia and Territories and common carriers engaged in commerce between the States and between the States and foreign nations to their employees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That every common carrier engaged in trade or commerce in the District of Columbia, or in any Territory of the United States, or between the several States, or between any Territory and another, or between any Territory or Territories and any State or States, or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, shall be liable to any of its employees, or, in the case of his death, to his personal representative for the benefit of his widow and children, if any, if none, then for his parents, if none, then for his next of kin dependent upon him, for all damages which may result from the negligence of any of its officers, agents, or employees, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, ways, or works.

Common carriers. Liability of, for injuries, etc., to employees.

Damages. SEC. 2. That in all actions hereafter brought against any common carriers to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight and that of the employer was gross in comparison, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee. All questions of negligence and contributory negligence shall be for the jury.

Contributory negligence no bar to recovery.

Jury to decide degree of negligence.

Insurance, etc., contracts no defense in suits for damages. SEC. 3. That no contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit, or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to or death of such employee: *Provided, however*, That upon the trial of such action against any common carrier the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of his death, to his personal representative.

Proviso. Certain contributions by employers to be deducted.

Time limit for action. SEC. 4. That no action shall be maintained under this Act, unless commenced within one year from the time the cause of action accrued.



SEC. 5. That nothing in this Act shall be held to limit the duty of common carriers by railroads or impair the rights of their employees under the safety-appliance Act of March second, eighteen hundred and ninety-three, as amended April first, eighteen hundred and ninety-six, and March second, nineteen hundred and three.

Approved, June 11, 1906.

Prior laws not affected.

Vol. 27, p. 531.

Vol. 29, p. 85.

Vol. 32, p. 943.

CHAP. 3074.—An Act To provide for the entry of Agricultural lands within forest reserves.

June 11, 1906.  
[H. R. 17576.]

[Public, No. 220.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary forest reserves, except the following counties in the State of California, Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego; which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this Act.

Forest reserves.  
Agricultural lands within, to be opened to settlement.

Counties in California excepted.

Filing of lists, etc.

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated: *Provided*, That any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January first, nineteen hundred and six, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall, each in the order named, have a preference right of settlement and entry: *Provided further*, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this Act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of this Act shall be patented under the commutation provisions of the home-

Opening to entry.  
Limit of acreage,  
etc.

Lists to be posted.  
Advertisement.

*Provisos.*  
Preference rights.

Filing plats, etc., of entries.

Time limit.

Notice.

Survey.