June 4, 1872.

CHAP. CCXCI. — *An Act authorizing the Construction of a Bridge across the Missouri River opposite to or within the corporate Limits of Nebraska City, Nebraska.*

Nebraska City Bridge Co. may build a railroad, &c., bridge across the Missouri river, near Nebraska city.

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 Nebraska City Bridge Company, a corporation having authority from the State of Nebraska and from the State of Iowa, to build a railroad, transit, and wagon bridge across the Missouri river, opposite to or in the immediate vicinity of Nebraska city, in the county of Otoe, and State of Nebraska;

Bridge to be for use of all, &c.;

and that when constructed, all trains of all railroads terminating at the Missouri river at or near the location of said bridge shall be allowed to cross said bridge, for a reasonable compensation, to be paid to the owners thereof; and that all other property, goods, passengers, teams, and other modes of transit shall be allowed to cross said bridge;

not to interfere with navigation;

and that said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted;

in case of litigation, cause to be tried where.

and in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of said river, the cause may be tried before the district or circuit court of the United States of any State in or opposite to which any portion of said obstruction or bridge may be.

Duty of the corporation named in the charter of said bridge company.

SEC. 2. That the corporators named in the above incorporation shall hold the said charter here granted in trust for the sole and exclusive use and benefit of any person or persons, company or companies, corporation or corporations, who shall build, erect, and complete such bridge herein provided in accordance with the provisions of this act; and said original incorporators shall transfer and assign, without any remunerative compensation, all their rights to any party or parties, company or companies, corporation or corporations, who shall erect said bridge; and if said corporators, or any of them, shall refuse or fail to make such transfer, upon the payment of the reasonable expenses thereof, they may be compelled to do so by any court having jurisdiction: *Provided*, That the said Nebraska City Bridge Company, and their associates, shall fail to commence in good faith the erection of said bridge within one year from the passage of this act, and complete the said bridge without unnecessary and unreasonable delay in accordance with the provisions of this charter.

Proviso.

Bridge may be built with a draw or with unbroken spans;

SEC. 3. That any bridge built under the provisions of this act may, at the option of person or persons, or corporation building the same, be built as a drawbridge, with a pivot-draw, or with unbroken or continuous spans: *Provided*, That if the same shall be made of unbroken continuous spans, it shall not be of less elevation, in any case, than fifty feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than two hundred and fifty feet in length; and the piers of said bridge shall be parallel with the current of the river, and the main span shall be over the main channel of the river, and not less than three hundred feet in length: *And provided also*, That if a bridge shall be built under this act as a drawbridge, the same shall be constructed as a pivot drawbridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining spans to the draw shall not be less than two hundred and fifty feet; and said spans shall not be less than thirty feet above low-water mark, and not less than ten feet above extreme high-water mark, measuring to the bottom chord of the bridge, and the piers of said bridge shall be parallel with the current of the river: *And provided also*, That said draw shall be opened promptly, upon reasonable signal, for the passage of boats whose construction shall not be such as to admit of their passage under the permanent spans of said bridge, except when trains are passing over the same, but in no case shall unnecessary delay occur in opening the said draw during or after the passage of trains: *And provided further*, That the corporation building said bridge may, if not

if with unbroken spans;

if as a drawbridge.

Spans and piers.

Draw to be opened promptly.

Corporation, if, &c., may

unauthorized by the provisions of its charter of incorporation, enter upon the banks of said river, either above or below the point of the location of said bridge, for a distance of seven miles, and erect and maintain breakwaters, or use such other means as may be necessary to make a channel for said river, and confine the flow of the water to a permanent channel, and to do whatever may be necessary to accomplish said object, but shall not impede or obstruct the navigation of the said river; and all plans for such works or erections upon the banks of the river shall first be submitted to the Secretary of War for his approval.

make a channel for the river, &c.

Plans to be approved by the Secretary of War.

SEC. 4. That any bridge constructed under this act, and according to its limitations, shall be a lawful structure, and shall be known and recognized as a post-route, upon which, also, no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroads or public highways leading to the said bridge.

Bridge to be a lawful structure, and a post-route.

Charges.

SEC. 5. That all railway companies desiring to use the said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties in case they shall not agree.

All railway companies to have equal rights to use the bridge.

Terms, &c., of use.

SEC. 6. That the plan and specifications, with the necessary drawings of said bridge, shall be submitted to the Secretary of War, for his approval, and until he approve the plan and location of said bridge it shall not be built or commenced; and should any change be made in the plan of said bridge, during the progress of the work thereon, such change shall be subject to the approval of the Secretary of War; and all changes in the construction of said bridge that may be directed by Congress shall be made at the cost and expense of the owners thereof.

Plans, &c., to be approved by the Secretary of War.

Bridge not to be built, until, &c.

Changes.

SEC. 7. That the right to alter or amend this act, so as to prevent or remove all material obstructions to the navigation of said river by the construction of bridges, is hereby expressly reserved.

Act may be altered, &c.

APPROVED, June 4, 1872.

CHAP. CCXCII. — *An Act authorizing the Construction of a Bridge across the Missouri River at Brownville, Nebraska.*

June 4, 1872.

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 Brownville, Fort Kearney, and Pacific Railroad Company, a corporation organized under the laws of the State of Nebraska, having authority for that purpose from the States of Nebraska and Missouri, to build a bridge across the Missouri river at Brownville, Nebraska, and to lay on and over said bridge railway tracks for the more perfect connection of any railroads that are or shall be constructed to the said river, at or opposite said point; and that when constructed, all trains of all roads terminating at said river, at or opposite said point, shall be allowed to cross said bridge for a reasonable compensation to the owners of said bridge, under the limitations and conditions hereinafter provided. And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the district court of the United States of either State in or opposite to which any portion of said obstruction or bridge may be.

Brownville, Fort Kearney and Pacific R.R. Co. may build a bridge across the Missouri River at Brownville, Nebraska.

All railroads may use the bridge.

In case of litigation, cause to be tried where.

SEC. 2. That said Brownville, Fort Kearney, and Pacific Railroad Company may, at their option, build said bridge as a drawbridge, with a pivot or other form of draw, or with unbroken and continuous spans: *Provided*, That if the said bridge shall be made with unbroken and continuous spans it shall not be of less elevation in any case than fifty feet above extreme high-water mark, as understood at the point of location,

Bridge may be built with a draw or with unbroken spans; if with unbroken spans.