

SEC. 26. That all expenses for the surveying, platting, and disposal of the lands opened to settlement under this act shall be borne by the United States, and not deducted from the proceeds of said lands.

SEC. 27. That the sum of twenty-eight thousand two hundred dollars, or so much thereof as may be necessary, be, and hereby is, appropriated out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to pay to such individual Indians of the Red Cloud and Red Leaf bands of Sioux as he shall ascertain to have been deprived by the authority of the United States of ponies in the year eighteen hundred and seventy-six, at the rate of forty dollars for each pony; and he is hereby authorized to employ such agent or agents as he may deem necessary in ascertaining such facts as will enable him to carry out this provision, and to pay them therefor such sums as shall be deemed by him fair and just compensation: *Provided*, That the sum paid to each individual Indian under this provision shall be taken and accepted by such Indian in full compensation for all loss sustained by such Indian in consequence of the taking from him of ponies as aforesaid: *And provided further*, That if any Indian entitled to such compensation shall have deceased, the sum to which such Indian would be entitled shall be paid to his heirs-at-law, according to the laws of the Territory of Dakota.

Payment for ponies,
Red Cloud and Red
Leaf bands.

Provisos.
To be accepted in
full.

SEC. 28. That this act shall take effect, only, upon the acceptance thereof and consent thereto by the different bands of the Sioux Nation of Indians, in manner and form prescribed by the twelfth article of the treaty between the United States and said Sioux Indians concluded April twenty-ninth, eighteen hundred and sixty-eight, which said acceptance and consent, shall be made known by proclamation by the President of the United States, upon satisfactory proof presented to him, that the same has been obtained in the manner and form required, by said twelfth article of said treaty; which proof shall be presented to him within one year from the passage of this act; and upon failure of such proof and proclamation this act becomes of no effect and null and void.

Acceptance by In-
dians.

Proclamation.

SEC. 29. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of twenty-five thousand dollars, or so much thereof as may be necessary which sum shall be expended, under the direction of the Secretary of the Interior, for procuring the assent of the Sioux Indians to this act provided in section twenty-seven.

Appropriation.

SEC. 30. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal.

Approved, March 2, 1889.

CHAP. 406.—An act authorizing the constructing of a bridge across the Osage River, at some accessible point in the county of Benton, in the State of Missouri.

March 2, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chicago, Saint Louis, Kansas City and Galveston Railway Company, an incorporation organized under the laws of the State of Illinois, its assigns or successors, is hereby authorized to construct and maintain a bridge across the Osage River at such point as may hereafter be selected by said corporation in the county of Benton, in the State of Missouri, as shall best promote the public convenience and welfare and the necessities of business and commerce, and also to construct accessory works to secure the best practicable channel-way for navigation, and to lay on and over said bridge one or more railroad tracks for the more perfect connection of any railroads that are or shall be constructed to said river at or opposite said point.

Chicago, Saint Louis,
Kansas City and Gal-
veston Railway Com-
pany may bridge
Osage River, Mo.

SEC. 2. That said bridge shall be constructed and built without interference with the security and convenience of navigation of said

Secretary of War to
approve plans, etc.

	river; and in order 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 half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built: <i>Provided</i> , That if the said bridge shall be built with unbroken and continuous spans they shall conform in length and height to the requirements of the Secretary of War: <i>And provided, also</i> , That if any bridge built under this act shall be constructed as a drawbridge, the same shall 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 such length as the Secretary of War shall prescribe, and the head room under said bridge shall conform to the requirements of the Secretary of War: <i>Provided, also</i> , That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: <i>Provided, also</i> , That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: <i>Provided, also</i> , That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon 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.
Provisos.	
Spans.	
Draw.	
Opening draw.	
Lights, etc.	
Use by other companies.	
Decision of Secretary of War.	
Notification of approval of plans, etc.	SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving the plan and map and other information, and upon being satisfied that a bridge built on such plan and with such accessory works at at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or said accessory works during the progress of the work thereon such change shall be subject likewise to the approval of the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the district of the State of Missouri, in whose jurisdiction and portion of said obstruction or bridge may be located. All changes in said bridge required at any time by the Secretary of War shall be made at the expense of the persons or corporation owning or controlling said bridge
Changes, etc.	
Litigation.	
Lawful structure and post-route.	SEC. 4. That the said bridge and accessory works, when built and constructed under this act, and according to the terms and limitations thereof shall be lawful structures; and said bridge shall be recognized and known 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 the transportation over the railroads or public

highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes in the United States.

SEC. 5. That the United States shall have the right of way for such postal and telegraph lines across said bridge as the Government may construct or control, and all telegraph and telephone companies shall have equal privileges as to said bridge.

SEC. 6. That Congress shall have power at any time to alter, amend, or repeal this act, so as to prevent or remove all obstructions to the navigation of said river by the construction of said bridge and its accessory works; and all alterations of said bridge shall be made and all such obstructions shall be removed at the expense of the owners of or persons controlling such bridge: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same.

SEC. 7. That this act shall be void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

Approved, March 2, 1889.

Postal telegraph.

Amendment, etc.

Proviso.

Existing laws.

Commencement and completion.

CHAP. 407.—An act to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa.

March 2, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Lyons and Fulton Bridge Company a corporation organized and existing under and by virtue of the laws of the State of Iowa, its successors and assigns, be and they are hereby, authorized to construct and maintain a railroad, wagon, and foot-passenger bridge across the Mississippi River at a point at or near the city of Lyons, Iowa, under the limitations and conditions hereinafter provided, and to lay on or over said bridge a tract or tracts for the more perfect connection of any railroad or railroads that are or may be constructed to said river, on either or both sides thereof, at or opposite said point. That said bridge shall not interfere with the free navigation of said river; 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 circuit court of the United States in and for any district in which any portion of said bridge or obstruction is located. Said bridge shall be constructed to provide for the safe and convenient passage of railroad trains, wagons and vehicles of all kinds, animals, and foot-passengers, for such reasonable rates of toll as may be fixed from time to time subject to approval and change by the Secretary of War.

Lyons and Fulton Bridge Company may bridge Mississippi River at Lyons.

Railway, wagon, and foot bridge.

Unobstructed navigation. Litigation.

Toll.

SEC. 2. That any bridge built under the provisions of this act may at the option of the company building the same, be built as a ponton draw-bridge or with unbroken and continuous spans: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall give clear head-room of not less, in any case, than fifty-five and one-half feet above extreme high-water mark, as understood at the point of location, nor shall the spans of said bridge give a clear width of water-way of less than three hundred and fifty feet, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river and give a clear width of water-way of not less than three hundred and fifty feet: *And provided further*, That if any bridge built under the provisions of this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and navigable

Construction.

Provisos.

Spans.

Draw.