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ing towards the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian tribes any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Proviso.
Forfeiture.

Amendment, etc.

SEC. 7. That Congress may at any time amend, add to, alter, or repeal this act.

Approved, April 24, 1888.

April 24, 1888.

CHAP. 193.—An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tennessee.

Kansas City and Memphis Railway and Bridge Company may bridge Mississippi River at Memphis, Tenn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kansas City and Memphis Railway and Bridge Company, a corporation created and organized under and by virtue of the laws of the State of Arkansas, its successors and assigns, be, and the same are hereby, authorized and empowered to erect, construct, and maintain a bridge over the Mississippi River, from or near the town of Hopefield, in the State of Arkansas to or near the taxing district of Shelby county, commonly known as the city of Memphis, in the State of Tennessee.

Railway, wagon, and foot bridge.

Said bridge shall be constructed to provide for the passage of railway trains, and wagons and vehicles of all kinds, for the transit of animals, and at the option of the corporation by which it may be built, for foot-passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

To be lawful structure and post-route.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and 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 munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post-roads in the United States.

Construction.

SEC. 3. That the said bridge shall be made with unbroken and continuous spans. Before approving the plans for said bridge, the Secretary of War shall order three engineer officers from the Engineer Bureau to be detailed to the duty of examining, by actual inspection, the locality where said bridge is to be built, and to report what shall be the length of the main channel span and of the other spans: *Provided*, That the main channel span shall in no event be less than seven hundred feet in length, or the other spans less than six hundred feet each in length; and if the report of said officers shall be approved by the Secretary of War, the spans of said bridge shall be of the length so required. The lowest part of the superstructure of said bridge shall be at least seventy-five feet above extreme high-water mark, as understood at the point of location, and the bridge shall be at right angles to and its piers parallel with the current of the river. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge; 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

Proviso.
Spans.

Free navigation not to be impaired.

Litigation.

may be brought in the circuit court of the United States within whose jurisdiction any portion of said obstruction or bridge may be located: *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.

Proviso.
Existing laws.

SEC. 4. 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 or cars 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 reasonable notice to the parties in interest and upon consideration of such allegations and proofs as may be submitted to him. But the last foregoing provision shall not be held to exclude the ordinary jurisdiction of the courts of the United States in such cases.

Right of other companies to use.

Secretary of War to decide pay.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object, the said companies or corporations 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 two miles above and two miles below the proposed location, the topography of the banks of the river, the shore-lines at extreme high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, 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 built or commenced; and should any change be made in the plans of said bridge during the progress of construction, such change shall be subject to approval of the Secretary of War, and shall not be made or commenced until the same is so approved.

Secretary of War to approve plans, etc.

SEC. 6. That it shall be the duty of the Secretary of War, on satisfactory proof that a necessity exists therefor, to require the company or persons owning said bridge to cause such aids to the passage of said bridge to be constructed, placed, and maintained at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for the guiding of rafts, steam-boats, and other water-craft safely through the passage-way, as shall be specified in his order in that behalf; and on failure of the company or persons aforesaid to make and establish and maintain such additional structures within a reasonable time, the said Secretary may cause the said bridge to be removed at the expense of the owners thereof or may proceed to cause the same to be built or made at the expense of the owners of said bridge and in that case shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any circuit court of the United States within whose jurisdiction such bridge or any part thereof is located, for the recovery of the amount so expended by the Government and all costs of such proceedings; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

Aids to navigation.

SEC. 7. That if the construction of the bridge hereby authorized shall not be commenced within one year from the time this act takes effect, and be completed within four years after the same date, then

Commencement and completion.

this act shall be void, and all rights hereby conferred shall cease and determine.

Former act repealed.

SEC. 8. That an act entitled "An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tennessee," approved February twenty-sixth, eighteen hundred and eighty-five, be, and the same is hereby, repealed.

Vol. 23, p. 333.

Amendment, etc.

SEC. 9. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal, at the expense of the owners, whenever the Secretary of War shall decide that the public interests require it, is also expressly reserved.

Approved, April 24, 1888.

April 24, 1888.

CHAP. 194.—An act to facilitate the prosecution of works projected for the improvement of rivers and harbors.

Condemnation of land for river and harbor improvements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War may cause proceedings to be instituted, in the name of the United States, in any court having jurisdiction of such proceedings, for the acquirement by condemnation of any land, right of way, or material needed to enable him to maintain, operate or prosecute works for the improvement of rivers and harbors for which provision has been made by law; such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted: *Provided, however*, That when the owner of such land, right of way, or material shall fix a price for the same, which in the opinion of the Secretary of War, shall be reasonable, he may purchase the same at such price without further delay: *And provided further*, That the Secretary of War is hereby authorized to accept donations of lands or materials required for the maintenance or prosecution of such works.

Provisos.

Purchase.

Donations.

Approved, April 24, 1888.

April 26, 1888.

CHAP. 204.—An act to prevent any person or persons in the cities of Washington and Georgetown from making books and pools on the result of trotting or running races or boat races.

Pool selling and other gambling unlawful in Washington and Georgetown, D. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person or persons, or association or persons, in the cities of Washington and Georgetown, in the District of Columbia, to bet, gamble, or make books and pools on the result of any trotting race or running race of horses, or boat race, or race of any kind, or on any election, or contest of any kind, or game of base ball.

Punishment.

SEC. 2. That any person or persons, or association of persons, violating the provisions of this act, shall be fined not exceeding five hundred nor less than twenty-five dollars, or be imprisoned not more than ninety days, or both, at the discretion of the court.

Approved, April 26, 1888.

April 30, 1888.

CHAP. 206.—An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder.

Sioux Indian Reservation, Dakota. Subdivision.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following tract of land, being a part of the Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent

Post, p. 888.