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above the bridge location, and for the guiding of rafts, steam-boats, and other craft safely through the draw and raft spars as the Secretary of War shall prescribe and order to be constructed and maintained, at the expense of the company owning said bridge; and the said structure shall be at all times so kept and managed as to offer

Passage of vessels.

reasonable and proper means for the passage of vessels through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge, from the hours of sunset to

Lights.

sunrise, such lights as may be prescribed by the Light-House Board; and the said structure shall be changed or removed at the cost and expense of the owners thereof as the Secretary of War may direct,

Free navigation.

so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject

Subject to revocation.

to revocation and modification by law, when the public good shall, in the judgment of the Secretary of War, so require, without any expense or charge to the United States.

Protective works.

SEC. 6. That said company or its successors may construct and maintain defensive and corrective works in or along said river above and below said bridge, for the protection of the same, and the approach thereto, or the improvement, correction, or control of the channel of said river.

Abutments upon Omaha Reservation, Nebr.

SEC. 7. That in case the western end of said bridge shall abut upon the Omaha Indian Reservation in the State of Nebraska the right to construct the same thereon and the approaches thereto, together with all structures proper for the construction, maintenance, and operation of said bridge is hereby granted and conferred: *Provided*,

Proviso. Compensation to Indian land holders.

That compensation therefor shall first be made to the Indians holding in severalty or by allotment the lands upon or over which said approaches, tracks, or structures are erected, built, and maintained, to their satisfaction, or to the satisfaction of the Secretary of the Interior, or by proceedings for condemnation in the usual manner under the laws of the State of Nebraska.

Amendment.

SEC. 8. That the right to alter, amend, or repeal this act is expressly reserved.

Approved, April 9, 1890.

April 9, 1890.

CHAP. 72.—An act to authorize the building of a bridge across White River, Arkansas, by the Mississippi and Little Rock Railway Company.

Mississippi and Little Rock Railway Company may bridge White River, Arkansas.

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 Mississippi and Little Rock Railway Company, a corporation created and existing under and by virtue of the laws of the State of Arkansas, its successors and assigns, to erect, construct, and

Location.

maintain a bridge over the White River in sections sixteen and twenty-one, in township one south, range three west. Said bridge shall be

Railway, wagon, and foot bridge.

constructed to provide for the passage of the railway trains, and, at the option of the corporation, or its assigns, by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, foot-passengers, and of all kinds of commerce, travel or communication.

Lawful structure and post-route.

SEC. 2. That any bridge built under the 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 other charges shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for passengers or freight passing over said bridge than the rate per mile paid for the transportation over the railroad or public highways leading to said bridge, and it shall enjoy the rights and privileges of other post-roads in the

United States; and equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes. Use by telegraph companies. Postal telegraph.

SEC. 3. That said bridge may be constructed as a draw-bridge, with an opening over the center of the channel of such width as the Secretary of War shall determine, and which shall be at least one hundred and twenty feet in the clear: *Provided, also*, That said draw shall be opened promptly upon reasonable signal for the passage of boats, vessels, or other water-craft, and in no case shall unnecessary delay occur; and said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe, and such sheer-booms or other structures as may be necessary to safely guide vessels, boats, rafts, or other water-craft safely through said draw openings as shall be designated and required by the Secretary of War. Draw. *Proviso.* Opening draw. Lights, etc. Aids to navigation.

SEC. 4. That said bridge 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 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 mile above and one mile below the proposed location the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the sounding accurately showing the bed of the stream, 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 are approved by the Secretary of War the bridge shall not be built, and should any changes be made in the plan of said bridge during the progress of construction, such change shall be submitted to the approval of the Secretary of War. Secretary of War to approve plans, etc. Changes of plan.

SEC. 5. 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, engines, 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, 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: *Provided*, That the provisions of section two, in regard to charges for passengers and freight across said bridge, shall not govern the Secretary of War in determining any question arising as to the sum or sums to be paid to the owners of said bridge by such railroad companies for the use of said bridge. Use by railroad companies. Terms. *Proviso.* Disputed terms.

SEC. 6. That the right to alter, amend, or repeal this act or to require any changes in such structure, or its entire removal at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, and the right to prescribe such rules and regulations in regard to toll and otherwise, as may be deemed reasonable, are expressly reserved. Amendment. Changes in structure, etc. Tolls, etc.

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within five years from the date hereof. Commencement and completion.

Approved, April 9, 1890.