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where the final proof, submitted on the former entry hereinbefore described, shows a residence upon the land covered thereby for the full period of five years, or such term of residence thereon as added to any properly credited military or naval service shall equal such period of five years.

Approved, May 22, 1902.

May 23, 1902.
[Public, No. 123.]

CHAP. 823.—An Act To amend an Act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebraska, approved February thirteenth, eighteen hundred and ninety-one, and amended by an Act approved January twenty-eighth, eighteen hundred and ninety-three, and by an Act approved April twenty-first, eighteen hundred and ninety-eight, and to authorize the Omaha Bridge and Terminal Railway Company, successor to the Interstate Bridge and Street Railway Company, to complete, reconstruct, and change a bridge for railway, street railway, vehicle, pedestrian, and other highway purposes over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebraska.

Preamble.
Vol. 26, p. 760.

Whereas by an Act approved February thirteenth, eighteen hundred and ninety-one, entitled "An Act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebraska," the Interstate Bridge and Street Railway Company, a corporation created under the laws of the State of Nebraska, its successors and assigns, were authorized to construct and maintain a bridge and approaches thereto across the Missouri River between the city of Council Bluffs, in the State of Iowa, and the lands of the East Omaha Land Company, at some point at least one-third of a mile from any other bridge, to be selected consistent with the interests of river navigation, said bridge to be so constructed as to provide for the passage of railway trains, wagons, and vehicles of all kinds, street-railway cars, motor cars, animals, foot passengers, and for all road travel; and

Whereas it was further provided that all railroads and street railways reaching the Missouri River near said point shall be permitted the unobstructed use of said bridge, and the approaches thereto, for engines, cars, and trains in the case of railroads, and for electrical or cable equipments and cars in the case of street railways; and

Whereas the articles of incorporation of the said Interstate Bridge and Street Railway Company were, on the ninth day of September, anno Domini eighteen hundred and ninety-two, amended in accordance with the laws of the State of Nebraska, so that the name of said corporation was changed from the Interstate Bridge and Street Railway Company to that of the Omaha Bridge and Terminal Railway Company: Now, therefore,

Missouri River.
Act authorizing bridge by Interstate Bridge and Street Railway Company at Council Bluffs, Iowa, amended.
Vol. 26, p. 760.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebraska," approved February thirteenth, eighteen hundred and ninety-one, as amended by an Act approved January twenty-eighth, eighteen hundred and ninety-three, and by an Act approved April twenty-first, eighteen hundred and ninety-eight, be amended to read as follows:

Reconstruction by Omaha Bridge and Terminal Railway Company authorized.

"SECTION 1. That the Omaha Bridge and Terminal Railway Company, a corporation duly authorized and existing under the laws of the State of Nebraska, its successors and assigns, be, and are hereby, authorized to reconstruct, so far as is necessary, complete, and change, in accordance with the provisions herein, and maintain the bridge and approaches thereto across the Missouri River near the city of Council Bluffs, in the State of Iowa, which has been located and partially con-

Location.

structed by the Interstate Bridge and Street Railway Company and the Omaha Bridge and Terminal Railway Company as its successor. Said bridge shall be constructed to provide for the passage of railway trains, street-railway and motor cars, and the reasonably safe passage of wagons and vehicles of all kinds, foot passengers, and all road travel at such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by said corporation, its successors and assigns, and be approved from time to time by the Secretary of War, and in case of any litigation concerning any alleged obstruction to the free navigation of said river on account of said bridge, the cause may be tried before the circuit court of the United States in whose jurisdiction any portion of said obstruction or bridge is located. And all railroads and street railways reaching the Missouri River near said point shall be permitted the unobstructed use of said bridge and the approaches thereto for engines, cars, and trains, in the case of railroads, and for electrical or cable equipments and cars, in the case of street railways, at reasonable compensation and rates of toll.

Railway, wagon, and foot bridge.

Toll.

Litigation.

Use by other companies.

"SEC. 2. That said bridge shall be constructed in all respects as a first-class railroad bridge, with ample trackage facilities, and with foundations and superstructure of sufficient strength to admit of the safe passage over the same of railway trains of the maximum weight usually drawn over like railway bridges of the first class by the use of locomotives; and the plans and specifications which have been approved by the Secretary of War for said bridge shall not be departed from until all changes in the plans and specifications for its construction have been submitted to and approved by the Secretary of War. Any change in the construction, or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War, shall be made at the cost and expense of the Omaha Bridge and Terminal Railway Company, its successors or assigns. The said bridge shall be constructed without interference with the security and convenience of navigation of said river, and in order to secure that object the said corporation, its successors or assigns, shall submit to the Secretary of War, for his examination and approval, a design of and drawings for said bridge, and a map of the proposed location giving, for the space of one mile above and one mile below such proposed location, the high and low water lines upon the banks of the river, the direction and strength of the currents at all stages of the water, with soundings accurately showing the bed of the stream, and the location of any other bridge or bridges, such maps to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full understanding of the subject; and until any changes in the plan of the bridge are approved by the Secretary of War the reconstruction of said bridge shall not be commenced.

Construction.

Plans approved by Secretary of War.

Changes.

Security of navigation.

"SEC. 3. That said bridge shall be constructed as a pivot drawbridge, with two drawspans, each of which shall afford two clear openings of not less than two hundred feet each, one of which drawspans shall be built over the main channel of the river at an accessible and navigable point, and with such fixed span or spans as may be necessary to span the waterway at the crossing selected. The head room under all spans measured to the lowest point of the superstructure shall not be less than ten feet above the standard high-water grade line for bridges established by the Missouri River Commission; and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the current of the river as near as may be: *Provided also*, That said draw spans shall each be provided with an efficient mechanical motor for rapid operation, and that at all times the motor controlling the draw over the existing steamboat channel shall be in a condition to operate, and shall promptly open the draw for the passage

Pivot draw.

Height.

Provisos.
Opening draw.

Lights, etc.

of boats or rafts upon reasonable signal; and the owners of said bridge shall maintain at their own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall

Aids to navigation.

prescribe: *Provided further*, That the said Omaha Bridge and Terminal Railway Company, its successors or assigns, shall, at its own expense, build and maintain such guide piers, dikes, booms, wing dams or other structures as may be necessary to maintain a navigable channel through one of the draw spans of said bridge, having a depth of water not less than that normally existing in the channel above and below said bridge, and that such structures or works shall be satisfac-

Maintenance of channel.

tory to and subject to the approval of the Secretary of War; and if said Omaha Bridge and Terminal Railway Company, its successors or assigns, shall fail to maintain such channel as aforesaid, then the Secretary of War may cause said channel to be opened and maintained at proper depth for navigation through one of said spans at the expense of said Omaha Bridge and Terminal Railway Company, its successors or assigns.

Notification of approval of plans, etc.

"SEC. 4. That the Secretary of War is hereby authorized and directed, upon receiving such plan and other information, and upon being satisfied that a bridge so built will conform to the requirements of this Act, to notify the company or corporation authorized to build the same that he approves of the same, and upon receiving such notification the said company or corporation may proceed to complete said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

Lawful structure and post route.

"SEC. 5. 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 the 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

Postal telegraph.

post roads in the United States; and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes.

Use by other companies.

"SEC. 6. That all railroad and street railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railroad trains or cars over the same and over the approaches thereto upon payment of a reasonable

Compensation.

compensation for such use; and in case the Omaha Bridge and Terminal Railway Company, its successors or assigns, and the several railroad or street railway 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

Telegraph, etc., privileges.

War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Amendment.

"SEC. 7. That Congress shall have the power at any time to alter, amend, or repeal this Act; and the Secretary of War, whenever he shall deem it necessary, may cause the Omaha Bridge and Terminal

Removal of obstructions.

Railway Company, its successors or assigns, to remove all material and substantial obstructions to the navigation of said river by the construction of said bridge and its accessory works, or to prevent such obstruction; and the expense of altering said bridge or removing such obstruction shall be paid by the Omaha Bridge and Terminal Railway Company, its successors or assigns.

"SEC. 8. That this Act shall be null and void if construction of said bridge shall not be commenced on or before the first day of January, eighteen hundred and ninety-two, and be completed on or before the first day of July, nineteen hundred and four: *Provided*, That the navigation of the Missouri River shall not be obstructed by false works during the construction of the bridge: *And provided further*, That such guide piers, dikes, or other structures as may be required for the maintenance of a safe channel through the draw spaces as they are arranged, pending the construction of the permanent bridge, shall be at once built, upon plans approved by the Secretary of War, and maintained until they shall be no longer necessary."

Time of construction extended.

Provisos.
Free navigation.

Temporary structure.

SEC. 2. That all parts of the Act of which this Act is an amendment which are inconsistent with this Act and the changes herein of the uses of said bridge, as provided in said original Act, are hereby repealed.

Inconsistent parts of former act repealed.

Approved, May 23, 1902.

CHAP. 887.—An Act For the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the Act approved March third, eighteen hundred and eighty-three, and commonly known as the Bowman Act, and for other purposes.

May 27, 1902.
[Public, No. 124.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to claimants in this Act named the several sums appropriated herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of their respective claims, namely:

Appropriations for payment of claims.

CLAIMS ALLOWED UNDER THE BOWMAN AND TUCKER ACTS BY THE COURT OF CLAIMS.

Claims under Bowman and Tucker acts.

ALABAMA.

Alabama.

To Francis B. Appling, of Tuscaloosa County, one hundred and thirty dollars.

To Hugh P. Bone, executor of Martha H. Bone, deceased, of Madison County, two thousand five hundred and forty-four dollars.

To Hugh H. Kirby, administrator of James Bundren, of Dekalb County, nine hundred and eighty dollars.

To the estate of James M. Campbell, deceased, late of Jackson County, one thousand nine hundred and eighty-seven dollars, to be distributed as follows: To White B. Campbell, administrator of James Campbell, deceased, three hundred and seventy-five dollars; to White B. Campbell, son of James Campbell, deceased, in his own right, four hundred and three dollars; to Joseph D. Campbell, son of James Campbell, deceased, four hundred and three dollars; to White B. Campbell, as administrator of James T. Campbell, son of Newton Campbell, deceased, and grandson of James Campbell, deceased, four hundred and three dollars; and to John Holland, son of Sarah Campbell Holland, and grandson of James Campbell, deceased, four hundred and three dollars.

To Adin I. Hurd, administrator of Robert M. Clark, deceased, of Lawrence County, one thousand two hundred and seventy-four dollars.

To D. A. Yarbrough, administrator of James D. Coffman, deceased, of Limestone County, one thousand two hundred and sixty-three dollars.