

nearly as practicable in proportion to the number of pensioners paid at each agency, and the salaries paid shall be subject to the approval of the Secretary of the Interior.

Rent.
Stationery, lights,
etc.

For rents, ten thousand six hundred dollars.
For stationery and other necessary expenses, including fuel and lights, thirty-five thousand dollars.

Approved, December 23, 1902.

January 8, 1903.

[Public, No. 12.]

CHAP. 58.—An Act Authorizing the Federal Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the village of Oacoma, Lyman County, South Dakota.

Missouri River.
Federal Railroad
Company may bridge
at Oacoma, S. Dak.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Railroad Company, a corporation duly created and existing under the laws of the State of South Dakota, its successors or assigns, be, and they are hereby, authorized to construct and maintain a bridge and approaches thereto over the Missouri River from a point at or near the village of Oacoma, in the county of Lyman and State of South Dakota, to the opposite shore of said river, in the county of Brule, State of South Dakota: *Provided*, That a location within such limits is found suitable to the interests of navigation. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of said corporation, its successors or assigns, may be so constructed to provide for and be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for reasonable rates of toll, to be fixed by said corporation, its successors or assigns, and approved by the Secretary of War, and the Secretary of War shall have the right from time to time to revise such rates of toll: *Provided*, That the bridge herein authorized to be constructed shall not be built within less than one mile from any other bridge across said Missouri River.

Provisos.
Protection to navi-
gation.
Railway, wagon,
and foot bridge.

Toll.

Location.

Construction.

Provisos.
High bridge.

Drawbridge.

Lights, etc.

SEC. 2. That any bridge built under the provisions of this Act may, at the option of the corporation building the same, be built as a draw-bridge, or with unbroken or continuous spans: *Provided*, That if the same shall be made of unbroken or continuous spans, it shall not be in any case of less elevation than fifty feet above the high-water mark, as understood at the point of location, to the lowest part of the superstructure; nor shall the spans of said bridge be less than three hundred feet in the clear at low-water mark, and the piers of said bridge shall be parallel with the current of the river at high water, and the main span shall be over the main channel of the river: *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 one or more draws, as the Secretary of War may prescribe, and of spans of not less than two hundred feet in length in the clear on each side of the central or pivot piers of the draws, and the next adjoining spans over the river to the draws shall not be less than two hundred and fifty feet in the clear, measured at low water; and said spans shall not be less than ten feet above extreme high-water mark, measuring to the lowest part of the superstructure of the bridge; and the piers of said bridge shall be parallel with the current of the river at high water: *And provided also*, That said draw shall be opened promptly upon reasonable signal, without unnecessary delay; 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, and such sheer booms or other structures as may be necessary to guide vessels, rafts, or other water craft safely through said channel spans

or draw openings, and as shall be designated and required by the Secretary of War: *And provided further*, That the corporation building said bridge may, subject to the approval of the Secretary of War, enter upon the banks of said river, above or below the location of said bridge, and confine the flow of the water to a permanent channel, and do whatever may be necessary to accomplish this object, but shall not impede or obstruct the navigation of said river, and shall be liable in damages for all injuries to private property; and all plans for such works or erections upon the banks of the river shall be first submitted to the Secretary of War for his approval: *And provided further*, That any bridge built under the provisions of this Act shall be at right angles to the current of the river at high water.

Permanent channel.

Aids to navigation.

Secretary of War to approve plans, etc.

Changes

Litigation.

SEC. 3. That no bridge shall be erected or maintained under the authority of this Act which will at any time substantially or materially interfere with the free navigation of said river; and no bridge shall be commenced or built under this Act until the location thereof and the plans and specifications for its construction shall have been submitted to and approved by the Secretary of War; and any change in the plans of such construction or any alteration in the bridge after its construction shall be subject to like approval; and whenever said bridge or its accessory works shall, in the opinion of the Secretary of War, unreasonably obstruct the free navigation of said river he is hereby authorized to cause such change or alteration to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions shall be removed at the expense of the owner or owners of said bridge or the persons operating or controlling the same; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said Missouri River at or near the crossing of said bridge, caused or alleged to be caused thereby, the cause shall be commenced and tried in the circuit courts of the United States of either judicial district of South Dakota in which the said bridge or any portion of such obstruction touches. And the bridge shall not be opened to traffic until all piling and other false work used in constructing the bridge shall have been wholly removed to the satisfaction of the Secretary of War.

Lawful structure and post route.

SEC. 4. That any bridge built under this Act and according 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 transportation over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for their transportation over the railroad or public highways leading to such bridge. The United States shall also have the right to construct, without charge therefor, telegraph or telephone lines across said bridge. And all railroad companies desiring to use 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; and equal rights and privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Use by other companies. Compensation, etc.

Telegraph, etc., privileges.

Amendment.

SEC. 5. That Congress may at any time alter, amend, or repeal this Act.

Time of construction.

SEC. 6. 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 four years from the date hereof.

Approved, January 8, 1903.