

**CHAP. 1251.**—An act authorizing the construction of a bridge across the Osage River at some accessible point in the county of Benton, in the State of Missouri.

October 1, 1890.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Chicago, Hannibal and Springfield Railroad 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 rail-roads that are or shall be constructed to said river at or opposite said point.

**SEC. 2.** That said bridge shall be constructed and built without interference with the security and convenience of navigation of said 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 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 the soundings accurately showing the bed of the stream and the location of any other bridge or bridges, such map 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 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: *Provided,* That if the said bridge shall be made with unbroken and continuous spans, they shall conform in length and height to the requirements of the Secretary of War: *And provided, also,* That if any bridge built under 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 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: *Provided, also,* 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: *Provided, also,* 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.

**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 and 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

Chicago, Hannibal and Springfield Railroad Company may bridge Osage River, Benton County, Mo.

Accessory works.

Railway bridge.

Free navigation.

Secretary of War to approve plans, etc.

*Provisos.*

Continuous spans.

Draw.

Opening draw.

Lights, etc.

Use by other companies.

Compensation.

Secretary of War to decide disagreements.

Approval of plan, etc.

Change of plan. 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 for the district for the State of Missouri, in whose jurisdiction any 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.

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

Postal telegraph. SEC. 5. That the United States shall have the right of way across said bridge and its approaches for such postal and telegraph lines as the Government may construct or control.

Amendment, etc. SEC. 6. That Congress shall have power at any time to alter, amend, or repeal this act, so as to prevent or remove all material and substantial 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.

Structural changes. Structural changes.

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

Commencement and completion. Approved, October 1, 1890.

October 1, 1890.

CHAP. 1252.—An act giving, upon conditions and limitations therein contained, the assent of the United States to certain leases of rights to mine coal in the Choctaw Nation.

Choctaw Nation. Ratification of coal mining leases to Choctaw Coal and Railway Company.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of the United States is hereby given, upon the conditions and with the limitations hereinafter set forth, and no farther, to the following-described leases of coal rights, which citizens of the Choctaw Nation have made to the Choctaw Coal and Railway Company, a corporation created by the laws of the State of Minnesota, copies of which leases, eleven in number, have been filed and deposited with the Secretary of the Interior, namely:

Leases.

First. A lease bearing date the twentieth day of May, eighteen hundred and eighty-nine, between James F. Freeney and John M. Grady, citizens of the Choctaw Nation, Indian Territory, of the one part, and the Choctaw Coal and Railway Company, of the other part. Recorded in the clerk's office of Gaines County, Choctaw Nation, June third, eighteen hundred and eighty-nine, in record-book numbered one, pages two hundred and six and two hundred and fourteen, inclusive.