

pared, examined, and approved in accordance with the law in such cases made and provided), at a total cost which shall not exceed the sum of one hundred and twenty-five thousand dollars when finally completed: *Provided*, That no money appropriated for said building shall be used until a valid title to the site selected shall be vested in the United States, nor until the State of New York shall have ceded jurisdiction over the same, during the time the United States shall be and remain the owner thereof.

Proviso.
Title and jurisdiction.

Approved, March 24, 1902.

CHAP. 278.—An Act To provide for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebraska.

March 26, 1902.

[Public, No. 59.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the South Omaha Railroad and Bridge Company, a corporation duly organized under the laws of the State of Nebraska, its assigns, successors, grantees, mortgagees, representatives, and successors in interest, is hereby authorized to build, own, operate, and maintain a bridge and approaches thereto across the Missouri River at or near the city of South Omaha, Douglas County, Nebraska, and also to lay on or over said bridge a railway track or tracks for the passage of railway trains; and said corporation may construct and maintain a way for wagons, carriages, vehicles, street cars, animals, and foot passengers, charging and receiving such reasonable toll therefor as may be approved from time to time by the Secretary of War.

Missouri River.
South Omaha Railroad and Bridge Company may bridge, South Omaha, Neb.

Railway, wagon, and foot bridge.
Toll.

SEC. 2. That said bridge shall be constructed and built without unreasonable interference with the security and convenience of navigation of said river, and in order to secure that object, the said 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 at low water, the direction and strength of the current at high and low water stages, with 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 the full and satisfactory understanding of the subject; and until the said design and drawings and said map of the location of said bridge are approved by the Secretary of War, said bridge shall not be built.

Secretary of War to approve plans, etc.

SEC. 3. That said bridge shall be built with unbroken and continuous spans, and the lowest point of the bridge superstructure shall not be less than fifty feet above the high-water grade line for bridges as established by the Missouri River Commission, nor shall any of the spans over the waterway be less than three hundred feet in the clear between the piers or the piers and the abutments, and the piers of said bridge shall be parallel with the current of the river and the bridge itself at right angles thereto as nearly as may be; and said company or corporation, its successors or assigns, shall maintain, at its own expense, from sunset to sunrise, such lights or other signals as the Light-House Board shall prescribe. That after the completion or during the construction of said bridge, if, in the opinion of the Secretary of War, it is necessary for the safety and convenience of navigation or the maintenance of a proper channel under said bridge to build accessory works, such as dikes, booms, or other structures in aid of such navigation or purpose, such structures as may receive the approval of the Secretary of War shall be built and maintained by the owners of said bridge. And should any change be made in the

Construction.
High bridge.

Aids to navigation

Changes.

design or location of the bridge or the accessory work during the progress of the work thereon, or after completion, such change shall be subject likewise to the approval of the Secretary of War, and said structure shall be changed at the cost and expense of the owners thereof from time to time as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river; 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 any court of the United States of the State of Nebraska or of the State of Iowa, of competent jurisdiction, in which any portion of said bridge may be located.

Litigation.

Lawful structure and post route.

SEC. 4. That said bridge and said accessory work, when built and constructed under this Act and according to the terms and limitations herein, shall be a lawful structure, and said bridge shall be recognized and known as a post route, upon which 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 transportation on the railways or public highways leading to such bridge, and said bridge shall enjoy the rights and privileges of other post routes in the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charge for freight and passengers over said bridge.

Wagon and foot bridge.

SEC. 5. That said proposed bridge may be constructed for the purpose of providing for the passage of wagons, carriages, vehicles, street cars, animals, and foot passengers as well as for the passage over it of railway, passenger, and freight trains, but whether or not said bridge shall be used exclusively as a railway bridge or shall be so constructed as to provide for the passage of wagons, carriages, vehicles, street cars, animals, and foot passengers shall be at the option of the corporation hereinbefore named: *Provided, however,* That when the design, drawings, and map of location of said bridge are submitted to the Secretary of War, the aforesaid corporation shall then and there determine the character of the bridge as to whether it shall be constructed for exclusive use as a railway bridge or for the combined purposes hereinbefore named: *Provided further,* That 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.

Proviso. May be exclusively a railway bridge.

Use by other companies.

Telegraph, etc., rights.

SEC. 6. That the United States shall have the right of way for such postal telegraph lines across said bridge as the Government may construct or control, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Submission of plans.

SEC. 7. That the aforesaid South Omaha Railroad and Bridge Company shall submit the design and drawings of said bridge and a map of the location of same, with such accessory work as may be desired, to the Secretary of War within two years from the approval and taking effect of this Act; and within two years from the date of the approval of said design and drawings and map of the location of said bridge by the War Department said corporation shall construct said bridge, and the failure to submit the design, drawings, and map aforesaid within two years, or a failure thereafter to construct said bridge within a period of two years from the approval of said design, drawings, and map, shall work a forfeiture of all rights and privileges granted herein.

Time of construction.

Amendment.

SEC. 8. That Congress reserve the right to alter, amend, or repeal this Act at any time.

Approved, March 26, 1902.