

show an abandoned and malignant disposition, he shall be adjudged guilty of a misdemeanor, and, on conviction shall be fined in any sum not less than fifty nor exceeding one thousand dollars and imprisoned not exceeding one year.

Punishment for setting fire to woods, etc.

SEC. 26. That if any person shall maliciously and willfully set on fire any woods, marshes, or prairies, in the Indian Territory, with the intent to destroy the fences, improvements, or property of another, such person shall be fined in any sum not exceeding five hundred dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

Certain sections not applicable between Indians.

SEC. 27. That sections five, twenty-three, twenty-four, and twenty-five of this act shall not be so construed as to apply to offenses committed by one Indian upon the person or property of another Indian.

Repeal.

SEC. 28. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved, March 1, 1889.

March 2, 1889.

CHAP. 356.—An act for the erection of a public building at Fort Worth, Texas.

Fort Worth, Tex.
Public building.
Site.

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 purchase a site for, and cause to be erected thereon a suitable building with fire-proof vaults therein, for the accommodation of the post-office and other Government offices, at the city of Fort Worth, in the State of Texas. The plans, specifications, and full estimates of said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of seventy-five thousand dollars: *Provided,* That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Texas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Plans, etc.

Proviso.
Open space.

Title, etc.

Approved, March 2, 1889.

March 2, 1889.

CHAP. 357.—An act to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wisconsin.

Soo and Southwestern Railway Company may bridge Mississippi River at Alma, Wis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Soo and Southwestern Railway Company, a corporation organized under the laws of the State of Wisconsin, and its successors and assigns, be, and they are hereby, authorized to construct and maintain railway bridge and approaches thereto across the Mississippi River between the States of Wisconsin and Minnesota from a point just north of the Beef Slough cut-off, in section twenty-one, township number twenty-two north, of range thirteen west, of the fourth principal meridian, above the city of Alma, in the county of Buffalo, Wisconsin, to and upon the west bank of said river, in the county of Wabasha, in the State of Minnesota: *Provided,* That Congress may at any time prescribe such rules and regulations in regard to toll and otherwise as may be deemed reasonable.

Proviso.
Tolls, etc

SEC. 2. That said bridge shall be built with a draw, so as not to impede the navigation of said river; said draw shall be a pivot-draw, over the channel of said river usually navigated, near the Wisconsin shore, and giving a clear width of water-way of not less than two hundred feet on each side of the central or pivot pier of the draw, and in addition to said draw openings shall have one or more fixed channel-spans, each having not less than three hundred and fifty feet clear channel-way, and every part of the superstructure of said bridge shall give a clear head-room of not less than ten feet above high-water mark: *Provided*, That all spans shall be so located as to afford the greatest possible accommodation to the river traffic, and a draw opening shall, if practicable, be located next or near shore: *Provided, also*, That if the physical characteristics of the locality so require and the interests of navigation be not injured thereby, the lengths of the fixed spans or the number of draw-openings may be reduced: *Provided, also*, That for every two adjacent openings of two hundred feet each, one draw opening of three hundred feet may be substituted if the interests of navigation be not injured thereby: *Provided*, That said draw shall always be opened promptly upon reasonable signal, and said 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 provided further*, That no bridge shall be built under the provisions of this act except there also be built at the time of the erection of the piers proper sheer-booms, or other proper protections, to safely guide boats, vessels, rafts, and other water-craft through said draw-spans and the raft-spans of said bridge.

SEC. 3. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation on said river as the Secretary of War shall prescribe; and to secure that object the said corporation shall submit to the Secretary of War, for his examination and approved, 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 extreme high and low water, the direction and strength of the currents at all stages, and the soundings, 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 said bridge shall not be built until the plan and location thereof are approved by the Secretary of War, but when so approved the work on said bridge and the approaches thereto, and the accessory works, may be commenced and prosecuted to completion: *Provided*, That as nearly as practicable the said bridge shall be at right angles to, and the piers parallel with, the current of said river: *And provided further*, That any change in the mode of construction of said bridge shall be first submitted to the said Secretary for his approval, and when approved the said corporation may then proceed with the construction in accordance with said change. *And provided, also*, That if said bridge when constructed shall, in the opinion of the Secretary of War, be a substantial obstruction to the navigation of said river, the said Secretary shall require said corporation to change the construction thereof, or to remove the same entirely, so as to avoid any serious and substantial obstruction to the navigation of said river at the expense of the owners of said bridge.

SEC. 4. That the bridge hereby authorized shall be a lawful structure, and shall be a post-route upon which no higher charge shall be made for the transportation of the mails of the United States and the troops and munitions of war, or for passengers or freight passing over said bridge, than the rate per mile paid to railroads and transportation companies leading to said bridge, and it shall enjoy the rights and privileges of other post-roads in the United States.

Draw.

Spans.

Provisos.
Location of spans.

Size.

Opening draw.

Lights, etc.

Aids to navigation.

Secretary of War to approve plans, etc.

Provisos.

Changes.

Not to obstruct navigation.

Lawful structure and post-route.

Postal telegraph.

and the United States shall have the right of way for postal-telegraph purposes across said bridge.

Use by other companies.

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 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 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: *Provided*, That the provisions of section four, 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 said railroad companies for the use of said bridge.

Terms.

Secretary of War to decide.
Proviso.

Determining compensation.

General provisions applicable.
Vol. 17, p. 44.

SEC. 6. That this act shall be subject, except as above mentioned, to the limitations and provisions of an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near the town of Clinton, in the State of Iowa, and other bridges across said river, and to establish them as post-roads," approved April first, eighteen hundred and seventy-two.

Amendment, etc.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any change in such structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

Aids to navigation.

SEC. 8. That it shall be the duty of the Secretary of War, on satisfactory proof that a necessity exists therefor, to require the corporation or persons owning said bridge to cause such aids to the passage of said bridge to be constructed, placed, and maintained at their own cost and expense in the form of booms, dikes, piers, or other suitable or proper structures for the guiding of rafts, steam-boats, and other water-craft safely through the passage-way as shall be specified in his order in that behalf; and on failure of the corporation or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any of the circuit courts of the United States, within the jurisdiction of which such bridge, or any part thereof is or may be located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

To be established by Secretary of War on failure.

Suits for costs.

Commencement and completion.

SEC. 9. 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 thereof.

Approved, March 2, 1889.

March 2, 1889.

CHAP. 358.—An act to extend the limits of the port of Memphis, Tennessee.

Memphis, Tenn.
Port limits extended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limits of the present port of Memphis, Tennessee, be extended from Beale street southward to Jackson street, and that the east line of the present port be extended southward until it intersects said Jackson street.

Approved, March 2, 1889.