

high-water mark, measuring to the bottom chord of the bridge: *And provided also*, That said draw shall be opened promptly upon reasonable signal for the passage of boats whose construction shall not be such as to admit of their passage under the permanent spans of said bridge; and the bridge-piers shall be parallel to the current of the river.

Proviso.
Opening of draw, etc.

SEC. 3. That any bridge constructed 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 no charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States.

Lawful structure and post-route.

SEC. 4. That the United States shall have the right of way for postal telegraph purposes across said bridge. And all telegraph and telephone companies shall have equal rights and privileges as to constructing their lines across said bridge.

Postal telegraph. Use by telegraph, etc., companies.

SEC. 5. That the said county of Pulaski shall submit to the Secretary of War, for his approval, a plan with the necessary drawings of the said bridge conforming to the above requirements, and until the Secretary of War approve the plan and location of said bridge and notify the county court of the said county of the same in writing, the bridge shall not be built or commenced; and should any change be made in the plan of the bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

Secretary of War to approve plans, etc.

Changes.

SEC. 6. 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 approval of this act.

Commencement and completion.

SEC. 7. That Congress shall have power at any time to alter, amend, or repeal this act, or any part thereof, if, in its judgment, the public interests so require, and any change in the construction of the bridge hereby authorized made necessary by the action of Congress, or the entire removal of the same, if required, shall be at the expense of the owners of said bridge, or the parties controlling and using the same.

Amendment.

Expense of change.

Approved, April 9, 1890.

CHAP. 75.—An act to authorize the construction of a bridge across the Arkansas River at or near Pendleton, Desha County, Arkansas.

April 9, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Arkansas and Gulf Railroad Company, a corporation organized, chartered, and duly perfected under and in full accordance with the statutes of the State of Arkansas, or its successors or assigns, to construct and maintain a bridge and approaches thereto over the Arkansas River, at a point on said river at or near Pendleton, Desha County, in the State of Arkansas, and to lay on and over said bridge a railroad track or tracks, for the more perfect connection of any railroad or railroads that are or shall hereafter be constructed to the said river, on either or both sides thereof, at or opposite said point, under the limitations and conditions hereinafter provided; said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the builders and owners thereof, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals of all kinds, and for foot-passengers for such reasonable rates of toll as may be approved, from time to time, by the Secretary of War.

Arkansas and Gulf Railroad Company may bridge Arkansas River at Pendleton, Ark.

Location.

Railway, wagon, and foot bridge.

Tolls.

SEC. 2. 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, troops, and

Lawful structure and post-route.

the munitions of war, or other property of the United States, than the rate per mile paid for the transportation of the same over the railroad or public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post-roads in the United States. Equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

Use by telegraph companies.

Postal telegraph.

Draw or pivot span.

Openings next pivot pier.

Height.

Piers and draw-rests.

Unobstructed navigation.

Proviso.

Opening draw.

Lights, etc.

Use by other railroad companies.

Compensation.

Disputed terms.

Secretary of War to approve plans, etc.

Change in plan.

Amendment.

Expense of changes.

SEC. 3. That the said bridge shall be constructed with a draw or pivot span, which shall be over the main channel of the river at an accessible navigable point, and the openings on each side of the pivot-pier shall be of such width as the Secretary of War shall prescribe, and, as nearly as practicable, both of said openings shall be accessible at all stages of water; that the spans shall be of such height above extreme high-water mark, as understood at the point of location, to the lowest point of the superstructure of said bridge as may be directed by the Secretary of War in the interests of navigation; that the piers and draw-rests of said bridge shall be built parallel with the current at that stage of the river which is most important for navigation, and the bridge itself at right angles thereto; and that no riprap or other outside protection for imperfect foundations be permitted to approach nearer than four feet to the surface of the water at its extreme low stage or otherwise to encroach upon the channel-ways provided for in this act: *Provided*, That said draw shall be opened by the company or persons owning said bridge upon reasonable signal for the passage of boats, and there shall be maintained, at the expense of the owners thereof, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

SEC. 4. 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 to the same, 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 which each shall perform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon hearing of the allegations of proofs of the parties.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to the regulations for the security of said river as the Secretary of War shall prescribe; and to secure that object the owner or owners thereof 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-line at high or low water, the direction and strength of the current at all stages, and 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 such plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built, and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

SEC. 7. 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 five years from the date thereof.

Commencement and completion.

Approved, April 9, 1890.

CHAP. 76.—An act granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described, for water reservoirs.

April 10, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described tracts of land, situate in the county of El Paso and State of Colorado, namely, that part of Pike's Peak military reservation described as follows: Beginning at station "O," as designated in the field-notes of the said United States military reservation survey, and running thence north eighteen degrees fifty-four minutes forty-five seconds west one thousand three hundred and twenty feet, along the east boundary line of said reservation; thence south sixty-five degrees thirty-nine minutes west eight thousand and twelve feet; thence at right angles south twenty-six degrees twenty-one minutes east two thousand five hundred and ninety-five feet to a point on the south boundary of said reservation; thence north sixty-three degrees thirty-nine minutes east six thousand five hundred and twelve feet, along said south boundary line, to station "1" of said reservation survey; thence north nineteen degrees thirty-one minutes thirty seconds east one thousand eight hundred and fifty feet to station "O," the place of beginning; also, lots numbered one, two, three, four, and five, and the north half of the southeast quarter of section twenty-eight, lots numbered three and four and the east half of the southwest quarter of section twenty-two, all in township fourteen south, range sixty-eight west of the sixth principal meridian, containing seven hundred and sixty-four and forty-eight hundredths acres, more or less, be, and the same are hereby, granted and conveyed to the city of Colorado Springs, in the county of El Paso and State of Colorado, to have and to hold said lands to its use and behoof forever, for purposes of water storage and supply of its water-works; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the waters contained in any natural or constructed reservoirs upon the said premises.

Colorado Springs, Colo.
Grant of certain lands to, for water reservoirs.
Location and boundaries.

Grant.

Purposes.

SEC. 2. That if the city of Colorado Springs shall at any time after the construction of reservoirs on the land described in section one of this act abandon the same or cease to use the same for water storage, the land herein described shall revert to the Government of the United States. The survey of the lands so granted shall be made under the direction and approval of the War Department.

Abandonment, etc.

Survey.

Approved, April 10, 1890.

CHAP. 77.—An act to create the offices of surveyor-general in the States of North Dakota and South Dakota.

April 10, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed by the President, by and with the advice and consent of the Senate, a surveyor-general each for the States of North Dakota and South Dakota, embracing, respectively, one surveying district.

Surveyors-General for North and South Dakota.

Appointment.

Surveying districts.

SEC. 2. That the surveyors-general of North Dakota and South Dakota shall each receive a salary at the rate of two thousand dollars per annum.

Salaries.

Approved, April 10, 1890.