

and the said structure shall be changed or removed, at the cost and expense of the owners thereof, from time to time, as Congress may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation and modification by law when the public good, in the judgment of Congress, so requires, without any expense or charge to the United States. That said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted; and in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of said river the cause may be tried before the circuit court of the United States in and for any district in which any portion of said bridge or obstruction is located.

Free navigation.

Litigation.

Spans.

Channel span.

Toll.

Commencement and completion.

Lawful structure and post route.

Postal telegraph.

Amendment, etc.

SEC. 2. That said bridge, between the Iowa shore and the lowlands or islands on the Wisconsin side of the river, shall be constructed with unbroken and continuous spans, and the main span shall be over the main navigable channel of the river, and shall give a clear width of waterway not less than three hundred and fifty feet, and shall give clear headroom the full length of said span of not less in any case than fifty-five feet above extreme high-water mark, as understood at the point of location. The remaining spans shall each give a clear width of waterway not less than two hundred feet and a clear headroom not less in any case than fifteen feet between extreme high-water mark and the lower chords of the superstructure. Said bridge shall be constructed at right angles to, and its piers parallel with, the current of the river.

SEC. 3. That said Dubuque and Wisconsin Bridge Company shall have the right to charge and collect a reasonable rate of toll for the passage across said bridge of vehicles, animals, and foot passengers, and travelers, subject to approval by the Secretary of War.

SEC. 4. 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 of the passage hereof.

SEC. 5. That the bridge built under this Act, and subject to its limitations, shall be a lawful structure, and shall be known and recognized as a post route, and it shall enjoy the rights and privileges of other post roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, July 23, 1894.

July 26, 1894.

CHAP. 162.—An Act To authorize the construction of a bridge across the Missouri River at or near the city of Lexington, Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Lexington Bridge and Terminal Company, a corporation existing under the laws of the State of Missouri, its assigns, grantees, successors, and legal representatives, be, and is hereby, authorized to build, own, operate, and maintain a bridge and approaches thereto over the Missouri River at or near the city of Lexington, in said State of Missouri. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the persons by whom it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers for such reasonable rates of toll as may be approved from time to time by the Secretary of War; and in case of any litigation concerning any alleged obstruction to the free navigation of said river on account of said bridge, the cause may be tried

Lexington Bridge and Terminal Company may bridge Missouri River, Lexington, Mo.

Railway, wagon, and foot bridge.

Toll.

Litigation.

before the circuit court of the United States in whose jurisdiction any portion of said obstruction or bridge is located.

SEC. 2. 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, 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 their transportation over the railroads or public highways leading to said bridge; and the United States shall have the right of way for postal telegraph and telephone purposes across said bridge.

Lawful structure and post route.

Postal telegraph.

SEC. 3. That said bridge shall be made with unbroken and continuous spans and shall not be of less elevation in any case than fifty feet above high-water mark, as understood at the point of location, to the lowest member of the bridge superstructure, nor shall the spans of said bridge over the waterway of said river be less than four hundred feet in length in the clear, and the piers of said bridge shall be parallel with the current of said river, and the bridge itself at right angles thereto: *Provided*, That in case the approach and passage under the channel span of said bridge be found at any time dangerous or difficult of access by the river traffic, the owners of said bridge shall construct at their own expense, such works of channel regulation and such aids to navigation as the Secretary of War shall order, to render the approach and passage reasonably safe and easy: *Provided also*, That the said company or 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.

Construction.

Provisos.
Aids to navigation.

Lights, etc.

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 thereto, upon payment of a reasonable compensation for its 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 to rules and conditions to which each shall conform in using such bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and the proof of the parties.

Use by railroad companies.

Terms.

SEC. 5. 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 of said river as the Secretary of War shall prescribe; and to secure that object the company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing 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 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 shall 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 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; and if said bridge is not commenced within one year and completed within three years from the passage of this Act, the rights and privileges hereby granted shall be null and void.

Secretary of War to approve plans, etc.

Changes.

Commencement and completion.

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

Amendment, etc.

Approved, July 26, 1894.

July 26, 1894.

CHAP. 163.—An Act Prescribing limitations of time for completion of title to certain lands disposed of under the Act of Congress approved September twenty-seventh, eighteen hundred and fifty, and the Acts amendatory and supplemental thereto, and commonly known as the "Donation Act," and for the protection of purchasers and occupants on said lands.

Oregon donation
lands.
Vol. 9, p. 496.

Time extended for
proving claims.

Provisos.
Advertisements for
claimants to appear.

Patents under quiet
adverse possession.

Bona fide settlers on
abandoned claims.

Payment.

Hearings by Com-
missioner of General
Land Office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where persons under the provisions of the Act of Congress entitled "An Act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey and to make donations to settlers of the said public lands," approved September twenty-seventh, eighteen hundred and fifty, or the various Acts amendatory and supplemental thereto, have made proof of settlement on tracts of land in either of the States of Oregon, Washington, or Idaho, and given notice, as required by law, that they claimed such lands as donations, but have failed to execute and file in the proper land offices proof of their continued residence on and cultivation of the lands so settled upon and claimed, so as to entitle them to patents therefor, such claimants, their heirs, devisees and grantees shall have, and they are hereby given, until the first day of January, eighteen hundred and ninety-six, the right to make and file final proofs and fully establish their rights to donations of lands under the aforesaid Act of Congress, and no longer; and all claimants who shall fail to make and file final proof and perfect their claims to lands, as donations under the Acts aforesaid, before the said first day of January, eighteen hundred and ninety-six, shall thereafter be held to have abandoned their claims to the lands embraced in their notices: *Provided,* That as soon as practicable after the passage of this Act notices shall be published at least once a week for six successive weeks in one newspaper of general circulation published in the land district, in a form to be prescribed by the Commissioner of the General Land Office, requiring such donation claimants, their heirs, devisees, and grantees, and all persons making claim to such donation claims, to appear and make final proof for such claims within the time herein provided, and that in default of such final proof such donation claims will be held to have been abandoned and the lands embraced therein shall be, and are hereby, restored to the public domain and shall be subject to disposal under the then existing laws providing for the disposition of the public lands: *Provided further,* That where any such donation claims or any part thereof are claimed by descent, devise, judicial sale, grant, or conveyance, in good faith, under the original claimant, and are, at the date of this Act and for twenty years prior thereto have been, in the quiet adverse possession of such heir, devisee, grantee, or purchaser, or those under whom they claim, such heirs, devisees, grantees, or purchasers, upon making proof of their claims and adverse possession as aforesaid, shall be entitled to patents for the land so claimed and occupied by them: *Provided further,* That where any portion of any such abandoned donation claim shall have been settled upon prior to January first, eighteen hundred and ninety-four, by any person under an erroneous claim of right and has been used as a bona fide residence by such settler where final proof shall not be made by the original claimant, or his heirs, devisees or grantees, as aforesaid, and such settler has exhausted his or her homestead right, such settler may, within ninety days from the first day of January, eighteen hundred and ninety-six, file with the register of the land office of the district within which the lands are situate their affidavit and the affidavits of at least two disinterested witnesses establishing the facts of their bona fide settlement, occupancy, and improvement of said lands, and pay to the receiver of the proper land office one dollar and twenty-five cents per acre for the land so settled upon, occupied, and improved, not exceeding one hundred and sixty acres, and shall thereupon receive patent therefor.

SEC. 2. That nothing in this Act shall be so construed as to deprive the Commissioner of the General Land Office, under the regulations governing contests in land cases, of his right, if such right now exists,