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Bridge declared a lawful structure and post-route.

SEC. 4. That any bridge and accessory works, when built and constructed under this act and according to its provisions and conditions, shall be a lawful structure; 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 railroads or public highways leading to said 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 charges for freight and passengers over said bridge; and the United States shall have the right of way for postal-telegraph and telegraph lines, free of charge, across said bridge.

Charges.

Postal telegraph.

Aids to navigation, if necessary, to be provided.

SEC. 5. That it shall be the duty of the Secretary of War, on satisfactory proof that a necessity exists therefor, to require the company or persons owning said bridge to cause such aids to the passage of said bridge authorized by the provisions of this act to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent channel, and for the guiding of rafts, steamboats, and other water-craft safely through the draw and raft spans, as shall be specified in his order in that behalf; and on the failure of the company 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 circuit court of the United States in which such bridge, or any part thereof, is 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.

Attorney-General to bring suit in case of failure.

Right to amend, etc., reserved.

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, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

SEC. 7. That this act shall take effect and be in force from and after its passage.

Approved, May 15, 1886.

CHAP. 330.—An act authorizing the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and for other purposes.

May 15, 1886.

New York and Council Bluffs Railway Company authorized to bridge the Mississippi River, at Keithsburg, Ill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress is hereby given to the New York and Council Bluffs Railway Company, a corporation duly created and organized under the laws of the States of Ohio, Indiana, Illinois and Iowa, or its successors or assigns, to build a bridge across the Mississippi River at such point on said river at or near Keithsburg, in the State of Illinois, as may accommodate lines of railroad which said corporation may build to said point on the said Mississippi River, or to a point on the west bank of said river in the State of Iowa, opposite to said point at or near Keithsburg, in the State of Illinois, and to lay on or over said bridge a railroad track or tracks, for the more perfect connection of any railroad or railroads that are or shall be constructed to said river, on either or both sides thereof, at or opposite said point, under the limitations and conditions hereinafter provided; 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 naviga-

Free navigation not to be interfered with.

Litigation.

tion 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 touches.

May be either draw-bridge or unbroken span. *Provisos.*

SEC. 2. That any bridge built under the provisions of this act may, at the option of the company building the same, be built as a draw-bridge or with unbroken and continuous spans: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall not be of less elevation in any case than fifty-feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge give a clear width of water-way of less than two hundred and fifty feet, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river and give a clear width of water-way of not less than three hundred feet: *And provided further*, That if any bridge built under the provisions of 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 giving a clear width of water-way of not less than one hundred and sixty feet on each side of the central or pivot pier of the draw; and the next adjoining span or spans to the draw shall give a clear width of water-way of not less than two hundred and fifty feet, and said spans shall not be less than thirty feet above low-water mark, measuring to the bottom chord of the bridge, and the piers of said bridge shall be parallel with the current of the river where said bridge shall be erected: *And provided also*, That said draw shall be opened promptly upon reasonable signal for the passage of boats.

Height and spans if not a draw-bridge.

Draw.

Spans.

To be a lawful structure and post-route.

SEC. 3. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known as a post-route, and the same is hereby declared to be 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, or for passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal-telegraph purposes across said bridge.

Postal telegraph.

Other railway companies may use the bridge, upon terms to be prescribed by Secretary of War.

SEC. 4. That all railway 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.

Plans, etc., to be subject to approval of Secretary of War.

SEC. 5. That the structure herein authorized shall be built and located under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and 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 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, and 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 the said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge, from the hours of sunset to sunrise, such

Lights.

lights as may be prescribed by the Secretary of War. 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 shall, in the judgment of Congress, so require, without any expense or charge to the United States.

Right to amend, etc., reserved.

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

SEC. 7. That this act shall take effect and be in force from and after its passage.

Approved, May 15, 1886.

CHAP. 331.—An act authorizing the construction of bridges across the Illinois River, in the State of Illinois, and the Des Moines River, in the State of Iowa, and for other purposes.

May 15, 1886.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress is hereby given to the New York and Council Bluffs Railway Company, an organization incorporated under the laws of the States of Ohio, Indiana, Illinois, and Iowa, its successors or assigns, to construct bridges over the Illinois River at or near the town of Lacon, in the State of Illinois, and over the Des Moines River, in the State of Iowa, and in such county of said State of Iowa as said railway company may desire or find most practicable in the final location of its road.

New York and Council Bluffs Railway Company authorized to bridge the Illinois River at Lacon, Ill., and Des Moines River, Iowa.

SEC. 2. That said bridges shall be so constructed, either by draw, span, or otherwise, that a free and unobstructed passage may be secured to all vessels and other water-craft navigating said rivers.

May be draw, span, or otherwise, not obstructing navigation.

SEC. 3. 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, the troops, and the munitions of war of the United States, or passengers or freight passing over said bridges, than the rate per mile paid for the transportation over the railroads or public highways leading to said bridges; and they shall enjoy the rights and privileges of other post-roads of the United States.

To be lawful structures and post-routes.

SEC 4. That if either of said bridges authorized to be constructed by this act shall be constructed as a draw-bridge, the draw shall be opened promptly upon reasonable signals for the passage of boats; and said company or corporation shall maintain, at its own expense, from sunset until sunrise, such lights or other signals on said bridge or bridges as the Secretary of War shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said rivers; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such obstructions shall be removed and alterations made at the expense of the owner or owners of said bridge: *Provided*, 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 any bridge erected under this act from the operations of the same.

Draws, lights, etc.

Proviso.
No repeal or modification of laws protecting navigation.

SEC. 5. That all railroad companies desiring the use of either of said bridges that may be erected under the provisions of this act 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 the payment of a reasonable compensation therefor; and in case the owner or owners of said bridge or bridges, and the several railroad companies, or any one of them, desiring such use, shall fail to agree

Other companies entitled to use upon terms to be determined by Secretary of War.