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Free navigation to be maintained.

which shall at any time substantially or materially obstruct the free navigation of said river, 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 alterations shall be made and all such obstructions be removed at the expense of said county of Davidson; 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 the circuit court of the United States of the middle district of Tennessee: *Provided further*, 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 this bridge from the operations of the same.

Litigation.

Existing laws not affected.

Secretary of War to approve plans, etc.

SEC. 4. 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 said county 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, the direction and strength of the currents 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 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 provided further*, That unless the construction of said bridge shall be commenced within one year from the date of the passage of this act and completed within three years from the same date, all rights and privileges granted by this act shall be forfeited and cease.

Proviso.

To be completed in three years.

Right to amend, etc., reserved.

SEC. 5. 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, when ever Congress shall decide that the public interest requires it, is also expressly reserved.

Approved, March 3, 1887.

Mar. 3, 1887.

CHAP. 337.—An act to authorize the construction of bridges across the Great Kanawha River below the Falls, and to prescribe the dimensions of the same.

Bridges across Great Kanawha River, W. Va.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any persons or corporations having lawful authority to erect a bridge or bridges across the Great Kanawha River, in West Virginia, may hereafter erect bridges across said river, for railroad or other uses, upon compliance with the provisions and requirements of this act.

Construction.

SEC. 2. That every bridge erected across the Great Kanawha River, in West Virginia, shall have its axis at right angles to the current at high towing stages, with its piers parallel to this current, and all of its spans shall be through spans. No riprap or other outside protection for insufficient foundations will be permitted around the channel-piers, and all coffer-dams or other temporary works must be removed by the owners of the bridge before it is opened to traffic. Every such bridge shall have at least one channel-span, the center of which shall be in the middle of the channel usually run by descending coal-fleets in high towing stages, said channel-span to have a clear opening of four hundred feet at low-water line. Said channel-span shall be at least twenty-nine

Channel-span.

feet, measured to the lowest part of the span, above local highest water thus far known, as determined by the United States engineers, and shall be at least ninety feet above low water in bridges built at or near the mouth of the river, and seventy-five feet above low water in bridges built at or near Charlston, West Virginia.

Notice to be published.

SEC. 3. That any persons or corporations authorized to construct a bridge across the Great Kanawha River shall give notice by publication for two weeks in newspapers having a wide circulation, in not less than two newspapers in each of the cities of Louisville, Kentucky; Cincinnati, Ohio; Gallipolis, Ohio, and Charleston, West Virginia, and shall submit to the Secretary of War, for his examination, a design and drawings of the bridge and piers, and a map of the location, giving, for the space of at least one mile above and one mile below the proposed location, the topography of the banks of the river and the shore-lines at high and low water. This map shall be accompanied by others, drawn to a scale of one inch to two hundred feet, giving, for a space of one half a mile above the line of the proposed bridge and a quarter of a mile below, an accurate representation of the bottom of the river by contour-lines two feet apart, determined by accurate soundings, and also showing over the whole width of this part of the river the force and direction of the currents at low-water and at high towing stages, by triangulated observations on suitable floats. The maps shall also show the locations of other bridges, locks, and dams, coal-tipples, cribs, and all public and private structures in the vicinity inside of high-water lines, and shall give such other information as the Secretary of War may require for a full and satisfactory understanding of the subject. Said maps and drawings shall be referred to a board of engineer officers for examination and report, which board shall personally examine the site of the proposed bridge, and shall hold a public session at some convenient point to hear all objections thereto, of which public session due notice and invitation to be present shall be given to all interested parties; and if said board of engineer officers report that the site is unfavorable, the Secretary of War shall be authorized, on the recommendation of said board, to order such changes in the bridge or its piers, or such guiding-dikes or other auxiliary works, as may be necessary for the security of navigation; and such changes or additions shall be made at the expense of the owners of said bridge; and the proposed bridge shall only be a legal structure when built as approved by the Secretary of War.

Plans, etc., to be submitted to Secretary of War.

Board of engineers to examine and report.

Approval of Secretary of War.

Lights, etc.

SEC. 4. That all parties owning, occupying, or operating bridges over the Great Kanawha River shall maintain, for the security of navigation, at their own expense, from sunset to sunrise, throughout the year, such lights on their bridges as may be required by the Light-House Board or the United States engineer officer in charge of said river; and during the construction of any bridge under this act, such lights and buoys shall be kept on coffer-dams, cribs, piles of stone, floating crafts, rafts, and so forth, used in the construction of the bridge, as may be necessary for the security of navigation.

Vessels not to interfere with construction.

SEC. 5. That the officers and crews of all vessels, boats, or rafts navigating the Great Kanawha River are required to regulate the use of the said vessels, and of any pipes or chimneys belonging thereto, so as not to interfere with the construction of any of the bridges authorized by the provisions of this act.

To be lawful structures and post-routes.

SEC. 6. 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 the transportation over the railroads or public highways leading to the said bridge; and the United States shall have the right of way for telegraph or telephone purposes across any such bridge; and in case of any litigation arising from any alleged obstruction to the navigation of said

Litigation.

Great Kanawha River created by the construction of any bridge under this act, the cause or question arising may be tried before the circuit or district court of the United States for the district of West Virginia.

Right to amend, etc., reserved.

SEC. 7. That the right to alter, amend, or repeal this act so as to prevent or remove all material obstructions to the navigation of said river by the future construction of bridges is hereby expressly reserved, without any liability of the Government for damages on account of the alteration or amendment of this act, or on account of the prevention or requiring the removal of any such obstructions; and any change in the construction or any alteration of any such bridge that may be directed at any time by Congress shall be made at the cost and expense of the owners thereof.

Approved, March 3, 1887.

Mar. 3, 1887.

CHAP. 338.—An act authorizing the construction of a bridge across the Red River of the North.

Crookston Southwestern R. R. Co. may bridge Red River of the North between Minnesota and Dakota.

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 Crookston Southwestern Railroad Company, a corporation existing under the laws of the State of Minnesota, and to its successors and assigns, to construct and maintain a pivot draw-bridge, and approaches thereto, across the Red River of the North, between the State of Minnesota and the Territory of Dakota, at such point on said river, on the boundary-line between Polk County, in the State of Minnesota, and the Territory of Dakota, as may accommodate the lines of railroad which said corporation may build to said point. Said bridge

Railway, wagon, and foot bridge.

shall be constructed to provide for the passage of railway trains, and, at the option of the said corporation, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for reasonable rates or tolls to be fixed by the Secretary of War; and the Secretary of War shall have the right, from time to time, to revise such rates or tolls.

Tolls.

Construction. Draw.

SEC. 2. That any bridge built under this act shall be constructed as a pivot draw-bridge, with a draw over the main channel at an accessible and the best navigable point, and with spans giving a clear water-way, measured at the lowest stage of water known at the locality, of not less than eighty feet in the clear on each side of the central or pivot pier of the draw; and provision shall be made in the height of the bridge, and in the location and construction of abutments and approaches, to allow the free passage of flood-water; and the piers of said bridge shall be parallel to and the bridge itself at right angles to the current of said

Proviso. Opening draw.

river: *Provided*, That said draw shall be opened promptly upon reasonable signal for the passage of boats and other water-craft, except when trains are passing over said draw; but in no case shall unnecessary delay occur in opening the said draw during or after the passage of

Lights, etc.

trains; 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. The said bridge shall be located and built under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and

Aids to navigation.

said corporation shall provide, at its own expense, such sheer-booms, guide-piers, or other device as may be necessary to facilitate the safe passage of boats or other water-craft through the spans of said bridge; and to secure that object the said company shall submit to the Secre-

Plans, etc., to be approved by Secretary of War.

tary of War, for his examination and approval, a design and drawings of said bridge, and a map of the location, giving, for the space of one mile below and one mile above 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 and channel of the stream, and shall furnish