

Subject to terms
of vol. 18, ch. 224,
p. 62.

Draw.

Proviso.

Subject to ap-
proval of Secre-
tary of War as to
plans, etc.

Tolls.

built subject, except as herein modified to all the terms, requirements and limitations contained in the act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June sixth, eighteen hundred and seventy-four, so far as they may be applicable thereto.

SEC. 2. That said bridge shall be so constructed with a suitable pontoon draw of not less than four hundred feet in width, located over the main channel of the river: *Provided*, That said bridge shall not be built or commenced until the plan and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and location of said bridge; and if any change be made in the plan of construction of said bridge at any time, such change shall be subject to the approval of the Secretary of War; and any change in the construction or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War shall be made at the cost and expense of the owners thereof.

SEC. 3. That if said bridge is constructed as a wagon bridge, the said company may charge such reasonable rates of toll for the passage of wagons and vehicles of all kinds and for the transit of animals and foot-passengers thereon as may from time to time be approved by the Secretary of War.

SEC. 4. That Congress may at any time alter, amend, or repeal this act.

Approved, May 15, 1886.

May 15, 1886.

CHAP. 335.—An act to authorize the construction of a bridge across the Yellowstone River, in Montana.

Miles City Bridge
Company author-
ized to bridge the
Yellowstone River
at Miles City, Mon-
tana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Miles City Bridge Company, a corporation existing under the laws of the Territory of Montana, and having authority to construct and maintain a bridge across the Yellowstone River at or near Miles City, in the county of Custer, in said Territory, be, and is hereby, authorized to construct and maintain, for the purpose of making a more perfect crossing of said river at all times during the year, a bridge across the said Yellowstone River at or near said Miles City, to be used by said company, its successors or assigns, for all purposes of rail and other transportation over said river.

Not to impair
free navigation.

SEC. 2. That any bridge built under this act shall be constructed and built without material interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure a compliance with these conditions the corporation, previous to commencing the construction of the bridge, or of the necessary works in the booms, dikes, or piers designed to secure the best practicable channel-way for navigation and confine the flow of water to a permanent channel, and for the guiding of steamboats and rafts safely through the draw-spans at said point, shall submit to the Secretary of War a plan of the bridge and of such accessory works, together with a detailed map of the river at the proposed site of the bridge and for a distance of a mile below and above the site, together with all other information touching said bridge and river and accessory works as may be deemed requisite by the Secretary of War to determine whether the said bridge, when built, will conform to the prescribed conditions of this act; 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 if it be found hereafter that the said bridge or accessory works materially interfere with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted, by reason of any defect or failure in the accessory works aforesaid to accom-

Plans, etc., sub-
ject to approval of
Secretary of War.

plish the purpose for which they are designed, it shall be the duty of the Secretary of War to require the necessary changes to be made therein, in the interest of navigation, at the expense of the owners: *Provided*, That as to any bridge built under this act, if the said bridge shall be built of 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 be less than two hundred feet in length, and the main spans shall be over the main channel of the river and not less than two hundred feet in length: *And provided also*, 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 not less than ten feet above extreme high-water mark at the point of location, and of not less length than one hundred feet on each side of the central or pivot pier of the draw; and the next adjoining spans shall be not less than one hundred and twenty-five feet in length, unless otherwise expressly directed by the Secretary of War, and if so directed shall be according to such direction: *Provided also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board may prescribe: *Provided also*, 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 the 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.

Provisos.
Spans.

Draw.

Lights, etc.

Other companies
to have right of
way.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving any such plans and map and other information, and upon being satisfied that a bridge built upon such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erecting of said bridge, conforming strictly to the approved plan and location; but until the Secretary of War approve the plan and location of said bridge and accessory works, and notify the company of the same, the bridge shall not be commenced; and should any change be made in the plan of the bridge or accessory works, 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 give his approval
before bridge
can be commenced.

SEC. 4. That any bridge and accessory works, when built and constructed under this act and according to the terms and limitations thereof, shall be a lawful structure; and said bridge shall be recognized and known as a post-route, and said bridge shall enjoy the rights and privileges of other post-routes in the United States; and Congress reserves the right to regulate by appropriate legislation the charges for freight and passengers over said bridge.

To be a lawful
structure and post-
route.

Charges may be
regulated by Con-
gress.

SEC. 5. That the United States shall have the right of way for postal telegraph across said bridge.

Postal telegraph.

SEC. 6. That the said Miles City Bridge Company, its successors and assigns, shall have the right to charge tolls for the use of said bridge, except as hereinbefore limited and provided.

Tolls.

SEC. 7. 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 Congress shall decide that the public interests require it, is also expressly reserved.

Right to amend,
etc., reserved.

Approved, May 15, 1886.