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Mar. 3, 1887.

CHAP. 358.—An act to authorize the Talladega and Coosa Valley Railroad Company of Alabama to erect a bridge across the Coosa River.

Talladega and Coosa Valley Railroad Company authorized to bridge Coosa River, Ala.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Talladega and Coosa Valley Railroad Company of Alabama, a corporation created and existing under and by virtue of the laws of the State of Alabama, be, and is hereby, authorized to erect and maintain a bridge across the Coosa River in township seventeen, range four east, in the Coosa land-district, or at such point near said township as has been selected by said railroad company for crossing said river with their railroad line, the said bridge to be of such height as not to interfere with the navigation of said river: *Provided*, That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known and recognized 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 through passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railroads leading to the said bridge; and the United States shall have the right of way for a postal telegraph and telephone lines across said bridge; 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 before the circuit court of the United States of either of said States in which any portion of said obstruction or bridge touches; and that all railway companies desiring to use the said bridge shall have and be entitled to equal rights and privileges in the passage over the same, and in the use of the machinery and fixtures thereof and of all the approaches thereto, for a reasonable compensation to be paid to the owners of said bridge, 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.

Location.

Proviso.

To be a lawful structure and post-route.

Postal telegraph.

Litigation.

Other companies may use.

Compensation.

Secretary of War to decide disagreements.

Draw.

SEC. 2. That said bridge 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 of not less than seventy-five feet in length in the clear on each side of the central or pivot pier of the draw; and said spans shall not be less than ten feet above high-water mark, measuring to the lowest member of the bridge superstructure: *And provided also*, That said draw shall be opened promptly, upon reasonable signal except when trains are passing over the said bridge, for the passage of the boats whose construction shall not be such as to admit of their passage under the draw of said bridge when closed; but in no case shall unnecessary delay occur in opening the said draw after the passage of trains; and 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.

Proviso.

Opening draw.

Lights.

Secretary of War to approve plans, etc.

SEC. 3. That the plan and location of said bridge, with a detailed map of the river at the proposed site of the bridge and near thereto, exhibiting the depths and currents, shall be submitted to the Secretary of War for his approval, and until he approve the plan and location of said bridge it shall not be built; but upon the approval of said plan by the Secretary of War the said company or corporation may proceed to the erection of said bridge in conformity with said approved plan; and should any change be made in the plan of said bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

Changes.

Right to amend, etc., reserved.

SEC. 4. That Congress reserves the right to alter, amend, or repeal this act at any time; and that if at any time navigation of the said river shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said railroad company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and

Not to obstruct navigation.

complete navigation without impediment; and if upon reasonable notice to said railroad company to make such changes or improvements the said company fails to do so, the Secretary of War shall have authority to make the same at the expense of said company, and all the rights conferred by this act shall be forfeited; and Congress shall have power to do any and all things necessary to secure the free navigation of the said river; and if said bridge shall not be finished within two years from the passage of this act, the rights and privileges hereby granted shall be null and void.

Approved, March 3, 1887.

CHAP. 359.—An act to provide for the bringing of suits against the Government of the United States. Mar. 3, 1887.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims shall have jurisdiction to hear and determine the following matters: Suits against the Government.

First. All claims founded upon the Constitution of the United States or any law of Congress, except for pensions, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable: *Provided, however*, That nothing in this section shall be construed as giving to either of the courts herein mentioned, jurisdiction to hear and determine claims growing out of the late civil war, and commonly known as "war claims," or to hear and determine other claims, which have heretofore been rejected, or reported on adversely by any court, Department, or commission authorized to hear and determine the same. Jurisdiction of the Court of Claims. R. S. sec. 1058, p. 195. *Proviso.* "War" and rejected claims excepted.

Second. All set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided*, That no suit against the Government of the United States, shall be allowed under this act unless the same shall have been brought within six years after the right accrued for which the claim is made. Set-offs, counter-claims, etc. *Proviso.* Limitation.

SEC. 2. That the district courts of the United States shall have concurrent jurisdiction with the Court of Claims as to all matters named in the preceding section where the amount of the claim does not exceed one thousand dollars, and the circuit courts of the United States shall have such concurrent jurisdiction in all cases where the amount of such claim exceeds one thousand dollars and does not exceed ten thousand dollars. All causes brought and tried under the provisions of this act shall be tried by the court without a jury. District and circuit courts to have concurrent jurisdiction with Court of Claims; limit.

SEC. 3. That whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is the guarantor, or surety, or personal representative of any officer, or agent, or contractor so indebted, or that he, or the person for whom he is such surety, guarantor, or personal representative has held any office or agency under the United States, or entered into any contract therewith, under which it may be or has been claimed that an indebtedness to the United States has arisen and exists, and that he or the person he represents has applied to the proper Department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said Department and to the Attorney-General of Petitions for release from official bond.