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SEC. 2. That for the purpose named in the preceding section there be, and hereby is, appropriated the sum of twenty-five thousand dollars, out of any moneys in the Treasury not otherwise appropriated. Appropriation.

Approved, May 17, 1886.

CHAP. 347.—An act authorizing the construction of a bridge across the Missouri River at or near the city of Council Bluffs, Iowa, and for other purposes. May 17, 1886.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the New York and Council Bluffs Railway Company, an incorporation organized under the laws of the States of Ohio, Indiana, Illinois, and Iowa, its successors or assigns, is hereby authorized to construct and maintain a bridge across the Missouri River at such point as may be hereafter selected by said corporation, between the north and south lines of the county of Pottawattamie, in the State of Iowa, and at least one-third of a mile from any other bridge, as shall best promote the public convenience and welfare and the necessities of business and commerce, and also to construct and maintain the accessory works necessary to secure the best practicable channel-way for navigation and to confine the flow of the water to a permanent channel at such point, and also, if the said corporation shall deem it for the best interests of the public so to do, to lay on and over said bridge a railway track, for the more perfect connection of any railroads that are or shall be constructed to said river at or opposite to said point; and said corporation shall construct and maintain ways for wagons, carriages, and for foot-passengers, and may charge and receive such reasonable toll therefor as may be approved from time to time by the Secretary of War: *Provided*, That said bridge, and all the property belonging thereto or connected therewith, may be constructed, maintained, and used as a combined railway and wagon bridge, for the safe and convenient passage of wagons, carriages, stock, steam, cable, and street cars, foot-passengers, and all road travel, or as a wagon-bridge alone, for the safe and convenient passage of wagons, carriages, stock, and foot-passengers, as the said corporation shall elect, as hereinbefore provided; but if the said corporation shall elect to build a combined railroad and wagon bridge, then the track for wagons, carriages, stock, and foot-passengers shall not be upon the same space as that used for railroad track and cars.

New York and Council Bluffs Railway Company authorized to bridge the Missouri River in Iowa.

Wagon and foot bridge.

Tolls.

Proviso.
Combined railroad and wagon bridge.

SEC. 2. That said bridge 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 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, 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: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall have three or more channel-spans, and 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 three hundred feet in length, 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 said river and not less than three hundred feet in length: *And provided also*, That if any bridge built under this act

Free navigation not to be obstructed.

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

Provisos.
Spans.

Draw.

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 one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining span or spans to the draw shall not be less than three hundred feet, and the head-room under such span shall not be less than ten feet above high-water mark: *And 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 until sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe:

Lights, etc.

Other companies to have right of way.

And provided also, That if said company or corporation shall elect, as is hereinbefore provided, to erect a combined railroad and wagon bridge, then 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.

Secretary of War to decide disagreement as to terms.

Secretary of War to notify company of approval.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving such plan and map and other information, and upon being satisfied that a bridge built on 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 erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or said accessory works, during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War; 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 for the State of Iowa or the State of Nebraska, in which any portion of said obstruction or bridge may be located.

Litigation.

To be a lawful structure and post-route.

SEC. 4. That the said bridge and accessory works, when built and constructed under this act and according to the terms and limitations thereof, shall be lawful structures; 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 of 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.

Charges.

Postal telegraph.

SEC. 5. That the United States shall have the right of way for such postal-telegraph lines across said bridge as the Government of the United States may construct and control.

Right to amend, etc., reserved.

SEC. 6. That Congress shall have power at any time to alter, amend, or repeal this act so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of said bridge and its accessory works; and the expense of altering said bridge or removing such obstructions shall be at the expense of the owners of or persons controlling said bridge.

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

Approved, May 17, 1886.