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of said bridge, conforming strictly to the approved plan and location; 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; 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 any court of the United States of the Territory of Dakota, of competent jurisdiction, in which any portion of said 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 such 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.

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 may construct or control.

Forfeited if not built in five years.

SEC. 6. That in the event of a failure of said company to construct said bridge within a period of five years from the time of the passage and approval of this act, all rights and franchises granted herein shall be null and void.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this act at any time.

Approved, March 3, 1887.

Mar. 3, 1887.

CHAP. 382.—An act to authorize the construction of a bridge across the Missouri River at a point to be selected within five miles of the city of Yankton, Dakota.

Yankton and Missouri Valley Railway Company authorized to bridge Missouri River at Yankton, Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Yankton and Missouri Valley Railway Company, a corporation organized under the laws of the Territory of Dakota, is hereby authorized to construct and maintain a bridge across the Missouri River at such point as may be hereafter selected by said corporation within five miles east and five miles west of the city of Yankton, in the county of Yankton and Territory of Dakota, due regard being had to the public convenience and welfare and to the necessities of business and commerce, and also to construct accessory works 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 to lay on and over such bridge a railway track, for the more perfect connection of any railroads that are or shall be constructed to said river at or opposite said point; and said corporation may construct and maintain ways for wagons, carriages, and for foot-passengers, charging and receiving reasonable toll therefor, as may be approved from time to time by the Secretary of War.

Railway, wagon, and foot bridge.

Secretary of War to approve plans, etc.

SEC. 2. That the said bridge shall be constructed without 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 corporation shall submit to the Secretary of War, for his examination and approval, a design of and drawings for said bridge, and a map of the proposed location, giving, for the space of one mile above and one mile below such proposed location the topography of the banks of the river, with shore-lines and soundings, and such other information as may be required for a full 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 lowest part of the superstructure of the bridge, nor shall the spans of said bridge be less than three hundred feet in length, and the main span shall be over the main channel of the river, and the piers of said bridge shall be parallel with the current of said river, and the bridge itself at right angles thereto: *And provided also*, That if any bridge built under this act be constructed as a draw-bridge, it shall have a draw over the main channel of the river at an accessible and navigable point, and with a span or spans not less than three hundred feet in length in the clear; and no river spans shall be less than three hundred feet in length in the clear, and the head-room under such spans shall not be less than ten feet above extreme high-water mark; and the piers of said bridge shall be parallel with the current of said river, and the bridge itself at right-angles thereto; that said draw shall be opened promptly upon reasonable signal for the passing of boats and said corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals signals on said bridge as the Light-House Board shall prescribe: *Provided also*, That all railroad 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 approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, in case the parties shall be unable to agree upon the same.

Spans.

Draw.

Lights, etc.

Other companies may use.

Secretary of War to decide terms.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving such plan and other information, and upon being satisfied that a bridge so built will conform to the requirements of this act, to notify the company that he approves of the same; and upon receiving such notification the said company may proceed to erect said bridge, conforming strictly to the approved plan and location; 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.

Notification.

SEC. 4. That 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 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.

To be a lawful structure and post-route.

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

Postal telegraph.

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

Right to amend, etc., reserved.

Approved, March 3, 1887.