AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

the passage of foot-passengers, animals, and vehicles of all kinds: *Provided*, That the plans and specifications, with the necessary drawings of said bridge shall be submitted to the Secretary of War for his approval; and until he approves the plan and location of said bridge it shall not be commenced; and should any change be made in the plan of said bridge during the progress of the work thereon such change shall likewise be subject to the approval of the Secretary of War; and said bridge shall be constructed in accordance with the plans and specifications as approved: *Provided, also*, That no bridge shall be commenced under authority of this act until the Secretary of War shall have certified in writing that in his opinion the construction and maintenance of such bridge will not at any time substantially or materially obstruct the ordinary navigation of the said creek: *Provided also*, That if tolls shall be collected for passage or transportation across said bridge, the rates thereof shall be subject to the approval of the Secretary of War, who shall have power to fix said rates at reasonable amounts.

Provisos.
Secretary of War to approve plans, etc.
Unobstructed navigation.
Tolls.

SEC. 2. That if the construction of the bridge hereby authorized shall not be commenced within one year from the time this act takes effect, and be completed within three years after its commencement, then this act shall be void, and all rights hereby conferred shall cease and determine.

Commencement and completion.

SEC. 3. That the right to alter, amend, or repeal this act so as to prevent or remove any material obstructions to the navigation of said creek, and so as to enforce any of the conditions of this act, is hereby expressly reserved; and any change needful to prevent or remove any such material obstructions shall be made at the expense of said city of Michigan City.

Amendment, etc.

Approved, June 29, 1888.

June 29, 1888.

CHAP. 499.—An act authorizing the construction of a bridge across the Red River of the North by the Duluth Rainy Lake River and Southwestern Railway Company.

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 Duluth, Rainy Lake River and 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 Marshal County or Kittson 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 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 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 tolls.

Duluth, Rainy Lake River and Southwestern Railway Company may bridge Red River of the North, Minnesota and Dakota.
Railway, wagon, and foot bridge.

SEC. 2. That the bridge authorized by 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 width of 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 the bottom chord of said bridge shall not be of less elevation than one foot above the plane of the highest known flood at the locality; and provision shall also be made in the location and construction of abutments and approaches to allow the free passage of flood water; and the piers of said bridge

Draw.

shall be parallel to and the bridge itself at right angles to the direction of the current of said river. And said corporation shall provide, at its own expense, such sheer-booms, guide-piers, and other devices as may be necessary to facilitate the safe passage of boats or other water-craft through the spans of said bridge: *Provided*, That the draw of said bridge shall be opened promptly upon reasonable signals for the passage of boats or vessels; 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 to secure that object the said company shall submit to the Secretary 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 such other information as shall be required for a full and satisfactory understanding of the subject; and until the said location and plan of the bridge hereby authorized to be constructed are approved by the Secretary of War the said bridge shall not be built; and should any change be made in the plan of such bridge during the progress of construction thereof, such change shall be subject to the approval of the Secretary of War; and no such change shall be made until so approved.

Proviso.
Opening draw.
Lights, etc.
Secretary of War to approve plans, etc.

SEC. 3. That all railroad companies desiring the use of the bridge constructed under this act shall have and be entitled to equal rights and privileges relative to the passage of railway trains, cars, and locomotives over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use, to be fixed by the Secretary of War, in case the owner or owners of the said bridge and the several railway companies, or any of them desiring such use, shall fail to agree upon the sum or sums to be paid; and the Secretary of War shall prescribe the rules and conditions to which each shall conform in using said bridge, and all matters of difference between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

Other companies may use.
Secretary of War to decide rates.

SEC. 4. That the bridge authorized to be constructed under this act shall be a lawful structure, and shall be recognized and known 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, troops, and munitions of war of the United States, or for through rail-way passengers or freight passing over said bridge, than the rate per mile for the transmission over the railroads leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes.

Lawful structure and post-route.
Postal telegraph.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved; and any alterations or changes that may be required by Congress in the bridge constructed under this act so as to prevent or remove all material and substantial obstruction to the navigation of said river by the construction of said bridge, shall be made by the corporation owning or controlling the same, at its own expense.

Amendment, etc.

SEC. 6. That in case of any litigation arising from any obstruction or alleged obstruction caused by this bridge to the free navigation of said river, the cause may be tried before the circuit court of the United States in whose territorial jurisdiction said bridge or any part thereof is located.

Litigation.

Commencement and completion.

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

Approved, June 29, 1888.

June 29, 1888.

CHAP. 500.—An act authorizing the construction of a railroad bridge across the Red River of the North by the North Dakota and Pacific Railway Company.

North Dakota and Pacific Railroad Company may bridge Red River of the North, Minn. and Dak

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 North Dakota and Pacific Railroad Company, a corporation existing under the laws of the State of Minnesota, and to its successors and assigns, to construct and maintain a 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 Norman or Polk County in the State of Minnesota, and Traill or Cass County in the Territory of Dakota, as may accommodate the lines of railroad which said corporation may build to said point. Said 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 said company; and the Secretary of War shall have the right, from time to time, to revise, prescribe, and determine such rates or tolls.

Post, p. 298.

Railway, wagon, and foot bridge.

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 the bottom chord of the bridge shall not be of less elevation than one foot above the plane of the highest flood known at the locality, and provision shall also be made 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 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 trains; and said corporation shall maintain, at its own expense, from sunset to sunrise, such lights and other signals on said bridge as the Light-House Board shall prescribe; and said corporation shall provide, at its own expense, such sheer-booms, guide-piers, and other device as may be necessary to facilitate the safe passage of boats or other water-craft through the spans of said bridge. 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 to secure that object the said company shall submit to the Secretary of War, for his examination and approval, a design and drawing 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 such other information as shall be required for a full and satisfactory understanding of the subject; and until the said location and plan of the bridge hereby authorized to be constructed are approved by the Secretary of War, the said bridge shall not be built; and should any change be made in the plan of such bridge during the progress

Proviso.

Opening draw.

Lights, etc.

Secretary of War to approve plans, etc.