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unbroken and continuous spans: *Provided*, That if such bridge shall be made with unbroken and continuous spans, the main span shall be of such width, and the lowest part of the superstructure shall be of such height above extreme high-water mark, as the Secretary of War may prescribe; and if such bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed with an opening of such width, character, and construction as the Secretary of War shall prescribe: *Provided, also*, That said draws shall be opened promptly upon reasonable signal for the passage of boats, and in no case shall unnecessary delay occur: *Provided, also*, That said bridge, at the option of the said Dalles City, by which it may be built, may be used for the passage of wagons or vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rate of toll as may be provided from time to time by the common council of said city, and approved by the Secretary of War, or the same shall, at the option of said Dalles City, be a free bridge.

Provisos.
Spans.
Draw.
Opening draw.
Wagon and foot bridge.
Tolls.

SEC. 3. 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 it shall enjoy the rights and privileges of other post-roads in the United States; and the United States shall have the right of way for a postal telegraph across said bridge. Said bridge shall be built and located under and subject to such regulations for the security of navigation of navigable rivers as the Secretary of War shall prescribe; and to secure that object the said Dalles City shall submit to the Secretary of War, for his examination and approval, a design and drawing of such 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, and the shore-line at high and low water, channel of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plans and location of the bridge are approved by the Secretary of War the 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.

Lawful structure and post-route.
Secretary of War to approve plans, etc.

SEC. 4. That such alterations or changes as may be required by the Secretary of War or Congress in the bridge, constructed under the provisions of this act shall be made by the said Dalles City, at its own expense; and in the event of litigation growing out of the provisions of this act, the same shall be had in the circuit court of the United States within whose jurisdiction any part of said bridge may be located; and at any time after the completion of such bridge the said Dalles City may, at its opinion, surrender and transfer to the county of Wasco, in the State of Oregon, the said bridge, and the entire control and management thereof, in which event and in case of the acceptance thereof by said county of Wasco, they shall thenceforth be subject to all the obligations and conditions imposed on Dalles City by the provisions of this act. And it is hereby expressly provided that Congress reserves the right at any time to alter, amend, or repeal this act.

Changes.
Litigation.
Transfer.
Amendment.

Approved, July 9, 1888.

CHAP. 591.—An act to fix the status in the Navy of certain cadet engineers.

July 9, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of placing certain cadet engineers (graduates) in their proper grade and rank in the Navy, the President of the United States be, and is hereby, authorized to appoint and by and with the advice and consent of the Senate, commission, as assistant engineers in the Navy, the cadet engineers of the classes of eighteen hundred and eighty-one and eighteen hundred and eighty-two now in the Navy:

Cadet engineers, Navy.
Grade and rank of certain, established.

Provisos. Date of commission. Class of 1881.

Provided, That the commissions of the class of eighteen hundred and eighty-one be dated from July first, eighteen hundred and eighty-three, and their names be placed on the Navy Register immediately after the name of William D. Weaver, and that they take precedence in their grade and corps according to their proficiency as shown by their order of merit at the date of graduation; and that the commissions of the class of eighteen hundred and eighty-two be dated from July first, eighteen hundred and eighty-four, and their names be placed on the Navy Register immediately after the name of Charles E. Rommell, and that they take precedence in their grade and corps according to their proficiency as shown by their order of merit at the date of graduation: *Provided*, That any of such cadet engineers who failed to pass the physical examination at the Naval Academy made at the time of their graduation shall be subjected to further examinations before receiving their appointments, as above authorized.

Class of 1882.

Physical examinations.

Approved, July 9, 1888.

July 9, 1888.

CHAP. 592.—An act to authorize the construction of a bridge over the Cumberland River, between Burnside, Kentucky, and Carthage, in Tennessee, or the South fork of said river, between Burnside and Tateville, Kentucky.

Cincinnati and Birmingham Railroad Company may bridge Cumberland River between Burnside, Ky., and Carthage, Tenn., or Tateville, Ky.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Cincinnati and Birmingham Railroad Company, a corporation existing under the laws of the State of Tennessee, be, and is hereby, authorized to construct, operate, and maintain a bridge over the Cumberland River, between Burnside, Kentucky, and Carthage, Tennessee, or the south fork of said river, between Burnside and Tateville, in Kentucky.

Railway, wagon, and foot bridge.

Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the persons by whom it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War; 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 in whose jurisdiction any portion of said obstruction or bridge is located.

Litigation.

Lawful structure and post-route.

SEC. 2. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and 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 their transportation over the railroads or public highways leading to said bridge; and the United States shall have the right of way for postal-telegraph and telephone purposes across said bridge.

Postal telegraph.

Secretary of War to approve plans, etc.

SEC. 3. That said bridge shall be made under such specifications and plans as to the spans, draw-bridge, and so forth, as may be approved by the Secretary of War.

Other companies may use.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies or any of them desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

Secretary of War to decide terms.

Secretary of War to approve plans, etc.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations