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to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said bridge from the operation of the same. Existing laws.

SEC. 5. 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 if the rate of compensation can not be agreed upon by the parties, the same shall be fixed by the Secretary of War. Other companies may use. Compensation.

SEC. 6. That the bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said bayou as the Secretary of War shall prescribe; and 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 said 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 bayou, 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 commenced or built, and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War, and said structure shall be changed, at the cost and expense of the owners thereof, from time to time, as Congress may direct, so as to preserve the free and convenient navigation of said bayou; and the authority to erect and continue said bridge shall be subject to revocation by law whenever the public good shall, in the judgment of Congress, so require. Secretary of War to approve plans, etc. Changes.

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 of this act being approved. Commencement and completion.

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved. Amendment.

Approved, July 16, 1888.

CHAP. 630.—An act authorizing the construction of a bridge across the Missouri River at or near the city of Nebraska City, Nebraska, and for other purposes. July 16, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the city of Nebraska City, Nebraska, a city and municipal corporation organized under the laws of the State of Nebraska, its successors or assigns, is hereby authorized to construct, maintain, and operate a bridge across the Missouri River at Nebraska City, in the county of Otoe and State of Nebraska, and at such point as may be hereafter selected by said city, its successors or assigns, 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, its successors or assigns, 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, its successors or assigns, shall construct and maintain ways for carriages, wagons, and Nebraska City, Nebr., may bridge Missouri River. Location. Railway, wagon, and foot bridge.

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:

Proviso. Construction. *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, its successors or assigns, shall elect, as hereinbefore provided; but if the said corporation, its successors or assigns, 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.

Free navigation. 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, its successors or assigns, 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 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:

Secretary of War to approve plans, etc.

Provisos. Spans. *Provided*, That said bridge shall be built as a high bridge with unbroken and continuous spans, having at least one channel-span of not less than four hundred feet clear channel-way, all other spans over the water-way to have a clear channel-way of not less than three hundred feet, and all spans shall have a clear head-room of not less than fifty feet above 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, and no riprapping or other protection for imperfect foundations which will lessen the required water-way shall be permitted; and said company or corporation, its successors or assigns, 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. *And provided also*, That if said company or corporation, its successors or assigns, 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.

Compensation for use.

Notification 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 work, and at such locality will conform to the prescribed conditions of this act, to notify the company, its successors or assigns, that he approves the same; and upon receiving such notification the said company, its successors or assigns, 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;

Litigation. 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 Nebraska or the State of Iowa in whose jurisdiction any portion of said obstruction or bridge may be located.

And the expense of altering said bridge or removing any obstructions to navigation in respect thereof shall be paid by the owners of or persons controlling said bridge. Alterations.

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 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; and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge. Lawful structure and post-route. Postal telegraph. Regulation of rates.

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. Postal telegraph.

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date thereof. Commencement and completion.

SEC. 7. That Congress shall have power at any time to alter, amend, or repeal this act. Amendment.

SEC. 8. This act shall take effect and be in force from and after its passage. Effect.

Approved, July 16, 1888.

CHAP. 631.—An act to authorize the Birmingham, Selma and New Orleans Railroad Company to build a bridge across the Tombigbee River in Alabama. July 16, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Birmingham, Selma and New Orleans Railroad Company, a corporation created and existing under the laws of Alabama, be, and is hereby, authorized to erect and maintain a bridge across the Tombigbee River, at such point between Point Jackson and Demopolis as shall be selected by said railroad company for crossing said river with their railroad line, the said bridge to have a draw-span, so 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 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 equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes. Birmingham, Selma and New Orleans Railroad Company may bridge Tombigbee River, Ala. *Proviso.* Lawful structure and post-route. Postal telegraph.

SEC. 2. 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 approves the plans and location of said bridge it shall not be built; but upon the approval of Secretary of War to approve plans, etc.