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Proviso.
Jurisdiction.

of at least forty feet including streets and alleys: *Provided*, That no part of the sum hereby appropriated shall be expended until the State of Illinois shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State, and the service of civil process therein

Approved, August 6, 1888.

August 6, 1888.

CHAP. 741.—An act to authorize the construction of a railroad, wagon, and foot, passenger bridge across the Mississippi River at or near Burlington, in the State of Iowa.

Burlington and Illinois Bridge Company may bridge Mississippi River at Burlington, Iowa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Burlington and Illinois Bridge Company, its successors and assigns be, and they are hereby, authorized to construct and maintain, if in the opinion of the Secretary of War the same be a public necessity, a railroad, wagon, and foot-passenger bridge across the Mississippi River at a place suitable to the interest of navigation, at a point at or near the city of Burlington, Iowa, and to lay on or over said bridge a railroad track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to said river, on either or both sides thereof at or opposite said point, under the limitations and conditions hereinafter provided; that said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the circuit court of the United States in and for any district in which any portion of said bridge or obstruction is located. Said bridge shall be constructed to provide for the passage of railroad trains, and for the safe and convenient passage of wagons and vehicles of all kinds, animals, and foot-passengers, for such reasonable rates of toll as may be fixed from time to time by the Secretary of War.

Ante, p. 2.
Free navigation.
Litigation.
Railway, wagon, and foot bridge.
Tolls.

Construction.

SEC. 2. That any bridge built under the provisions of this act, may, at the option of the company building the same, be built as a draw-bridge or with unbroken and continuous spans: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall give clear headroom of not less, in any case, than fifty-five and one-half feet above extreme high-water mark, as understood at the point of location; nor shall the spans of said bridge give a clear width of water-way of less than two hundred and fifty feet, and the piers of said bridge shall be paralles with the current of said river, and the main span shall be over the main channel of the river, and give a clear width of water-way of not less than three hundred feet: *And provided further*, That if any bridge built under the provisions of this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a pivot over the main channel of the river at an accessible and navigable point, and with spans giving a clear width of waterway of not less than two hundred feet on each side of the central or pivot pier of the draw, and the next adjoining span or spans to the draw shall give a clear width of water-way of not less than two hundred and fifty feet: *Provided*, That if the pivot pier of said bridge shall be constructed within less than four hundred and ten feet of the west shore of said river, the span constructed west of said pivot pier may be less than two hundred and fifty feet, and said spans shall give a clear head-room of not less than ten feet above extreme high-water mark; and the piers of said bridge shall be parallel with the current of the river where said bridge shall be erected: *And provided also*, That said draw shall be opened promptly upon reasonable signal for the passage of

Provisos.
Spans.
Draw.
Pivot pier.
Opening draw.

boats, except when trains are passing over the draw; but in no case shall unnecessary delay occur in opening the said draw during or after the passage of trains. And such lights and sign-boards shall be placed upon said bridge when constructed as the Light House Board may require. Lights, etc.

SEC. 3. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be 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, the troops, and the munitions of war of the United States, and for passengers or freight passing over said bridge than the rate per mile paid for their transportation over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal-telegraph purposes across said bridge. Lawful structure and post-route. Postal telegraph.

SEC. 4. That 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. Use by other companies. Terms.

SEC. 5. That the structure herein authorized shall be built and located 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 or corporation shall submit to the Secretary of War, for his examination and approval a design and drawing 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-line at high and low water, the direction and strength of the current 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 shall be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are decided by the Secretary of War to be such as will not affect the interests of navigation, 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 the said bridge shall be constructed with such aids to the passage of said bridge, in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent and easily navigated channel, for a distance of not less than one mile above the bridge location, and for the guiding of rafts, steamboats, and other water craft safely through the draw and raft spans, as the Secretary of War shall prescribe, and order to be constructed and maintained at the expense of the company owning said bridge, and the said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structures; and for the safety of vessels passing at night there shall be displayed on said bridge, from the hours of sunset to sunrise such lights as may be prescribed by the Light House Board; and the said structure shall be changed or removed at the cost and expense of the owners thereof, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation and modification by law, when the public good shall in the judgment of Congress, so require, without any expense or charge to the United States. Secretary of War to approve plans, etc. Aids to navigation. Lights, etc.

SEC. 6. That if actual construction of the bridge herein authorized shall not be commenced within two years from the passage of Commencement and completion.

this act, and be completed in four years from the same date, the rights and privileges hereby granted shall cease and be determined.

Amendment.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Approved, August 6, 1888.

August 6, 1888.

CHAP. 742.—An act authorizing the erection of a bridge across the Missouri River at Ponca, Nebraska.

Nebraska and Dakota Bridge Company may bridge Missouri River at Ponca City, Nebr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That is shall be lawful for the Nebraska and Dakota Bridge Company, a corporation organized under the laws of Nebraska, or its successors or assigns, to construct, under and subject to the conditions and limitations hereinafter provided, a bridge across the Missouri River at or near Ponca City, Nebraska, and lay on or over said bridge railway tracks for the more perfect connection of any and all railways that now are or which may hereafter be constructed to the Missouri River at or near Ponca City, or to the river on the opposite of the same near Ponca City, and

Railway, wagon, etc., bridge.

build, erect, and lay on and over said bridge ways for wagons and vehicles of all kinds, and for the transit of animals, and to keep up and maintain and operate said bridge for the purposes aforesaid; and that when said bridge is constructed all trains of all railroads terminating at said river and on the opposite side thereof, at or near Ponca City, Nebraska, shall be allowed to cross said bridge for reasonable compensation to be made to the owners of the same under the conditions and limitations hereinafter named.

Tolls.

The owners of said bridge may also charge and receive reasonable compensation or tolls for the transit over said bridge of all wagons, carriages, vehicles, animals and foot-passengers: *Provided*,

Proviso.

Regulations.

That the Secretary of War, may at any time prescribe such rules, regulations and rates of toll for transit and transportation over said bridge as may be deemed proper and reasonable.

Spans.

SEC. 2. That any bridge built under the provisions of this act, shall be built as a high bridge, with unbroken and continuous spans, all spans over the water-way to have a clear channel-way of not less than three hundred feet and 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 the river and the bridge itself at right angles

Proviso.

Channel.

thereto: *Provided*, That the person or persons or corporation building said bridge, may, subject to the approval of the Secretary of War, enter upon the banks of said river either above or below the point of location of said bridge and confine the flow of the water to a permanent channel, and to do whatever may be necessary to accomplish said objects, but shall not impede or obstruct the navigation of said river, and shall be liable in damages for all injuries to private property; and all plans for such work or erections upon the banks of the river shall first be submitted to the Secretary of War for his approval.

Free navigation.

SEC. 3. That no bridge shall be erected or maintained under the authority of this act which shall at any time obstruct the free navi-

Secretary of War to approve plans, etc.

gation of said river; and no bridge shall be commenced or built under this act until the location thereof and the plans and specifications for its construction shall have been submitted to and approved by the Secretary of War; and any change in the plan of such construction, or any alteration in the bridge after its construction, shall be subject to the like approval.

Changes.

And whenever said bridge shall, in the oppinion of the Secretary of War, substantially obstruct the free navigation of said river, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction, or its entire removal; and all such alterations shall be made and such obstructions