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caused or alleged to be caused by said bridge, the case may be brought in any circuit court of the United States or any district court of the Territory of Dakota, within whose jurisdiction any portion of said bridge may be located.

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 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.

Postal telegraph.

Use by other companies.

SEC. 5. 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; and in case the owner or owners of the 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 such matters of difference between them shall be decided by the Secretary of War upon a hearing of the allegations and proof of the parties.

Terms.

Amendment.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

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, August 6, 1888.

August 6, 1888.

CHAP. 746.—An act granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River, near Winona, Emmons County Dakota.

Aberdeen, Bismarck and Northwestern Railway Company may bridge Missouri River near Winona, Dak.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Aberdeen, Bismarck and Northwestern 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 ten miles of Winona, Emmons County, 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 construction of said bridge shall not be commenced: *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 lower 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, barges and rafts, 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: *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.

Provisos.
Spans.
Draw.
Lights, etc.
Use by other companies.
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 of approval.

SEC. 4. That said bridge and accessory works, when built and constructed under this act 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.

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; and equal privileges in the use of said bridge shall be granted to all telegraph companies.

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. Amendment.

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. Commencement and completion.

Approved, August 6, 1888.

CHAP. 747.—An act authorizing the construction of a bridge over the Tennessee River at or near Lamb's Ferry, Alabama, and for other purposes. August 6, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Cincinnati, Nashville and New Orleans Railroad Company of Alabama, a corporation duly and legally incorporated under the laws of the State of Alabama, its successors or assigns, to construct and maintain a bridge over the Tennessee River at or near Milton's Bluff or Lamb's Ferry, Alabama. 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. Cincinnati, Nashville and New Orleans Railroad Company may bridge Tennessee River at Milton's Bluff or Lamb's Ferry, Ala. Railway, wagon, and foot bridge.

SEC. 2. That any bridge built under this act and subject 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, or passengers or freight passing over said bridge, than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in 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. Lawful structure and post route. Postal telegraph.

SEC. 3. That the said bridge shall be constructed as a draw-bridge, the draw or pivot pier shall be at such point in the channel of the river as the Secretary of War may direct, and the opening or passage-way of said draw-pier shall be so protected and arranged that water-craft can be worked through it at any and all times; and the draw-span shall not be of less width than the widest draw-spans authorized by Congress for any bridge on the Tennessee River, and the lowest point of said draw-span shall be as high above the water as the highest draw-span connected with any bridge over the Tennessee River, and the piers of said bridge shall be parallel with and the bridge itself at right angles to the current of the river: *Provided, also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and Draw. *Provisos.* Lights. Unobstructed navigation.