

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 for postal-telegraph purposes; that the said bridge shall be constructed, either by draw, span, or otherwise, that a free and unobstructed passage-way may be secured to all water-craft navigating said river at the point aforesaid: *Provided*, That if said bridge authorized to be constructed under this act shall be constructed as a draw-bridge, the draw shall be opened promptly upon the 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.

SEC. 3. 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 the 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 one 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 the hearing of the allegations and proofs of the parties.

SEC. 4. That any 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 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 drawings of the 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 shorelines 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 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 construction of said bridge shall not be commenced; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the Secretary of War.

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 the Secretary of War in the bridge constructed under this act, or its entire removal shall be made by the corporation owning or controlling the same, at its own expense. Furthermore, if the construction of said bridge shall not be commenced within two and completed within four years after the passage of this act, all privileges conferred hereby, and this act, shall become null and void.

Approved, August 6, 1888.

CHAP. 752—An act authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew and across Ouachita, Red, Little, and Sabine Rivers in Louisiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Houston, Central Arkansas and Northern Railroad Company, a corporation created and existing under and by virtue of the laws of the States of Louisiana and Arkansas, be, and is hereby, authorized to construct and maintain bridges across Bayou Bartholomew, Ouachita River, Little River, Red River, and Sabine River, in the State of Louisiana, at such points as may hereafter be selected by said railway company

Postal telegraph.

Proviso.

Draw.

Lights, etc.

Use by other companies.

Terms.

Secretary of War to approve plans, etc.

Amendment.

Commencement and completion.

August 6, 1888.

Houston, Central Arkansas and Northern Railway Company may bridge Bayou Bartholomew and Ouachita, Little, Red, and Sabine Rivers, La.

Railway, wagon, and
foot bridges.

for crossing said rivers with its railroad line. Said bridges shall be constructed to provide for the passage of railway trains, and at the option of the said railway company by whom they 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 fixed by said railway company, and approved by the Secretary of War.

Lawful structures
and post-roads.

SEC. 2. That said bridges built under this act and subject to its limitations shall be lawful structures, and shall be recognized and known as post-roads, 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 than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridges, and they shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridges shall be granted to all telegraph companies; and the United States shall have the right of way across said bridges, and its approaches, for postal-telegraph purposes.

Postal telegraph.
Unobstructed navigation.

SEC. 3. That if said bridge or bridges erected and maintained under the authority of this act shall at any time substantially or materially obstruct the free navigation of said bayou or river, or 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 or bridges to be made as will effectually obviate such obstruction; and such alteration shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said bayou or rivers, or either of them, the case may be brought in the district court of the United States of the State of Louisiana in which any portion of said obstruction or bridge may be located: *Provided*, That nothing in this act shall be so construed as 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 or bridges from the operation of the same.

Litigation.

Proviso.
Existing laws.

Use by other com-
panies.

SEC. 4. That all railroad companies desiring the use of said bridge or bridges 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.

Compensation.

Secretary of War to
approve plans, etc.

SEC. 5. That the bridge or bridges 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 and rivers 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 or bridges, and a map of the location, giving for the space of one mile above and one mile below the proposed location of the bridge or bridges, the topography of the banks of the bayou or rivers, 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 plans and location of the bridges are approved by the Secretary of War, the bridge or bridges shall not be built, and should any change be made in the plan of the said bridge or bridges during the progress of construction, such change shall be subject to the approval of the Secretary of War, and said structure or structures, shall be changed at the cost and expense of the owners thereof from time to time as the Secretary of War may direct so as to preserve the free and convenient navigation of said bayou or rivers.

Changes.

SEC. 6. That this act shall be null and void if actual construction of the bridges herein authorized be not commenced within one year and completed within four years from the date thereof.

Commencement and completion.

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

Amendment.

Approved, August 6, 1888.

CHAP. 753.—An act to authorize the Macon, Tuscaloosa and Birmingham Railroad Company to build bridges across the Black Warrior River and the Tombigbee River, in Alabama.

August 6, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Macon, Tuscaloosa and Birmingham Railroad Company, a corporation created and existing under the laws of Alabama, be, and is hereby, authorized to erect and maintain bridges across the Black Warrior River at or near Foster's Ferry, or at such point near said ferry as shall be selected by said railroad company for crossing said river with their railroad line, and across the Tombigbee River in or near township twelve, at such point as shall be selected by said railroad company for crossing said river with their railroad line, the said bridges to have each 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 bridges, and equal privileges in the use of said bridges shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridges and their approaches for postal-telegraph purposes.

Macon, Tuscaloosa and Birmingham Railroad Company may bridge Black Warrior and Tombigbee Rivers.

Proviso.
Lawful structures and post-routes.

SEC. 2. That the plan and location of said bridges, with a detailed map of the rivers at the proposed sites of the bridges 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 bridges they shall not be built; but upon the approval of said plans by the Secretary of War the said company or corporation may proceed to the erection of said bridges in conformity with said approved plan, and should any change be made in the plans of said bridges during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War. And there shall be displayed on said bridges from sunset to sunrise such lights or other signals as may be prescribed by the Light-House Board.

Postal telegraph.
Secretary of War to approve plans, etc.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act at any time; and that if at any time navigation of said rivers shall in any manner be obstructed or impaired by the said bridges, the Secretary of War shall have authority, and it shall be his duty, to require the said railroad company to alter and change the said bridges, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment; and if upon reasonable notice to said railroad company to make such changes or improvements the said company fails to do so, the Secretary of War shall have authority to make the same at the expense of said company, and all the rights conferred by this act shall be forfeited; and Congress shall have power to do any and all things necessary to secure the free navigation of the said rivers

Lights.

Amendment.

Unobstructed navigation.