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August 13, 1888.

CHAP. 873.—An act to authorize the Winona and Southwestern Railway Company to build a bridge across the Mississippi River at Winona, Minnesota.

Winona and Southwestern Railway Company may bridge Mississippi River at Winona, Minn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Winona and Southwestern Railway Company, a corporation duly created and existing under the laws of the State of Minnesota, its successors or assigns, be, and they are hereby, authorized to construct and maintain a bridge, and approaches thereto over the Mississippi River, from any point within the present city limits of the city of Winona, in the State of Minnesota, to the opposite shore of said river, in the State of Wisconsin. Said bridge shall be constructed to provide for the passage of railway trains, and at the option of said corporation, its successors and assigns may be so constructed, to provide for and be used also for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rates or tolls, to be fixed by said company, its successors or assigns; and the Secretary of War shall have the right, from time to time, to revise, prescribe, and determine such rates of toll.

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 continuous spans: *Provided*, That if said bridge shall be constructed as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans giving a clear width of water-way 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 three hundred and fifty feet; and every part of the superstructure shall give a clear headroom of not less than ten feet above extreme highwater-mark: *Provided*, That all spans shall be so located as to afford the greatest possible accommodation to the river traffic, and a draw shall, if practicable, be located next or near shore: *Provided also*, That in case of a low bridge if the physical characteristics of the locality so require and the interests of navigation be not injured thereby, the length of the fixed spans or the number of draw openings may be reduced: *Provided also*, That for any two adjacent draw-openings of two hundred feet each, one draw-opening of three hundred feet may be substituted if the interests of navigation be not injured thereby; and 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 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 provided further*, That if any bridge built under the provisions of this act shall be constructed with unbroken continuous spans, it shall have one or more channel spans, each having not less than three hundred and fifty feet clear channel-way, and not less than fifty-five feet clear head room above high water mark, and the clear head room under other than channel spans may be less than fifty-five feet: *Provided*, That no part of the superstructure of such spans shall give a less head room than ten feet above high water mark: *And provided further*, That the interests of navigation be not injured by such reduction in height; and the piers of said bridge shall be parallel with the current of the said river, and the main span shall be over the main channel of said river, and give a clear width of water-way of not less than three hundred and fifty feet.

Provisos.

Draw.

Location of spans.

Low bridge.

Draw-openings.

Opening draw.

Spans.

Height.

Free navigation.

Railroad tracks.

SEC. 3. That the company constructing a bridge under the provisions of this act be, and they are hereby, authorized 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 the point of location of said bridge, under the limitations and conditions herein: *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 touches.

Proviso.
Unobstructed navigation.

Litigation.

SEC. 4. 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 charges shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for passengers or freight passing over said bridge, than the rate per mile paid for the transportation over the railroads and public highways leading to said bridge; 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 for postal-telegraph purposes across said bridge.

Lawful structure and post-route.

Postal telegraph.

SEC. 5. That all railways 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. 6. 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 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 lines 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 materially 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 channel, and for the guiding of rafts, steam-boats 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 structure; 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, from time to time, 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

Secretary of War to approve plans, etc.

Aids to navigation.

Lights.

by law when the public good shall, in the judgement of Congress, or the Secretary of War, so require, without any expense or charge to the United States.

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 two years and completed within four years from the date thereof.

Amendment.

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

Approved, August 13, 1888.

August 14, 1888.

CHAP. 890.—An act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion.

Enlisted men in Navy and Marine Corps. Removal of charge of desertion from certain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charge of desertion now standing on the rolls and records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war may in the discretion of the Secretary of the Navy be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of the Navy from such rolls and records or from other satisfactory evidence, that any such appointed or enlisted man served faithfully until the expiration of his term of enlistment, or until the first day of May anno Domini eighteen hundred and sixty-five, having previously served six months or more, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, but who, by reason of absence from his command at the time he became entitled to his discharge, failed to be mustered out and to receive a discharge from the service: *Provided*, That no such appointed or enlisted man shall be relieved under this section who, not being sick or wounded, left his command, without proper authority, while the same was in presence of the enemy.

Conditions.

Proviso. Desertions in face of the enemy.

Returned to duty after desertion.

SEC. 2. That the Secretary of the Navy is hereby authorized to remove the charge of desertion standing on the rolls or records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war, in all cases where it shall be made to appear, to the satisfaction of the Secretary of the Navy, from such rolls or from other satisfactory evidence, that such appointed or enlisted man charged with desertion or with absence without leave, after such charge of desertion or absence without leave, and within a reasonable time thereafter, voluntarily returned to and served in the line of his duty until he was mustered out of the service, and received a certificate of discharge therefrom, or, while so absent, and before the expiration of his term of enlistment, died from wounds, injury, or disease received or contracted in the service and in the line of duty.

Re-enlistments without proper discharge.

SEC. 3. That the charge of desertion now standing on the rolls or records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war, by reason of his having enlisted at any station or on board of any vessel of the Navy without having first received a discharge from the station or vessel in which he had previously served, shall be removed in all cases wherein it shall be made to appear to the satisfaction of the Secretary of the Navy from such rolls and records, or from other satisfactory testimony, that such re-enlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to, had he remained under his original term of enlistment: *Provided*, That no appointed or enlisted man shall be relieved under this act who, not being sick or wounded, left his command without proper authority while the same was in

Proviso. Desertions in face of the enemy or under arrest.