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or forks. Said bridge or bridges shall be constructed to provide for the passage of railway trains, and, at the option of the company by which it or 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. Railway, wagon, and foot bridges.

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, 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 structures and post-routes. Postal telegraph.

SEC. 3. 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 drawing of the bridge, and a map of the location thereof; 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 any changes required by the Secretary of War, or the entire removal of said bridge or bridges after completion if required by him, shall be at the expense of the company owning said bridge. Secretary of War to approve plans, etc. Changes.

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 the payment of reasonable compensation therefor; and in case the owner or owners of said bridge or bridges and the railroad company or companies desiring to use same shall fail to agree upon the terms with reference to the use of same, all matters of issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties. And if said bridge or bridges shall be built for the passage over the same of vehicles, and the transit of animals, and for foot passengers, the rates of toll therefor shall be approved by the Secretary of War, before any tolls can be collected. Use by other companies. Terms. Tolls.

SEC. 5. That this act shall be null and void if actual construction of the bridge or bridges herein authorized be not commenced within two years and completed within five years from the date thereof. Commencement and completion.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved. Amendment.

Approved, October 9, 1888.

CHAP. 1090.—An act to prevent the manufacture or sale of adulterated food or drugs in the District of Columbia. October 12, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person within the District of Columbia shall mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder any article of food or drugs with any ingredient or material so as to render the article injurious to health, or manufacture any article of food which shall be composed in whole or in part of diseased, decomposed, offensive, or unclean animal or vegetable substance with the intent that the same may be sold in the said District, and no person shall sell in the District of Columbia any such article so mixed, colored, stained, powdered or manufactured. Any person violating this section shall be guilty of a misdemeanor, and for each offense Manufacture of injurious or adulterated articles of food, etc., prohibited. Penalty.

be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

Adulteration of drugs.

SEC. 2. That no person shall, within the District of Columbia, except for the purpose of compounding as hereinafter described, mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder, any drug with any ingredient or material so as to effect injuriously the quality or potency of such drug, with intent that the same may be sold in the said District of Columbia, and no person shall sell any such drug so mixed, colored, stained, or powdered under the same penalty in each case respectively as in the preceding section for a first and subsequent offense.

Penalty.

Sale by innocent parties.

SEC. 3. That no person shall be liable to be convicted under either of the two last foregoing sections of this act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, colored, stained, or powdered, as in either of those sections mentioned, and that he could not, with reasonable diligence, have obtained that knowledge.

Articles of food or drug to be of quality, etc., demanded by purchasers.

SEC. 4. That no person shall sell in the District of Columbia any article of food or drug which is not of the nature, substance, and quality of the article demanded by any purchaser, and any person violating this section shall be guilty of a misdemeanor, and for the first offense be fined not exceeding fifty dollars, and for each subsequent offense not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, in the discretion of the court:

Penalty.

Proviso.

Provided, That an offense shall not be deemed to be committed under this section in the following cases, that is to say:

Permissible additions.

Non-injurious necessary ingredients.

First. Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof.

Proprietary medicine.

Second. Where the drug or food is a proprietary medicine.

Authorized compounds.

Third. Where the food or drug is compounded as authorized by this act.

Unavoidable admixtures.

Fourth. Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

Sale of compounds.

SEC. 5. That no person shall sell in the District of Columbia any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser.

Penalty.

Proviso.

Notice.

Any person violating this section shall be guilty of a misdemeanor and fined not exceeding fifty dollars: *Provided*, That no person shall be guilty of any such offense as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended, fraudulently, to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label, distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

Altering articles of food injuriously.

SEC. 6. That no person shall, in the District of Columbia, with the intent that the same may be sold in its altered state without notice, subtract from any article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, and any person violating the provisions of this section shall be guilty of a misdemeanor and fined not exceeding one hundred dollars.

Penalty.

Defendant to prove exception.

SEC. 7. That in any prosecution under this act, where the fact of an article having been sold in a mixed state has been proved, if the

defendant shall desire to rely upon proviso contained in this act, it shall be incumbent upon him to prove the same.

Sale of articles purchased with written warranty.

SEC. 8. That if the defendant in any prosecution under this act prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written warranty to that effect; that he had no reason to believe at the time when he sold it that the article was otherwise; and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution.

Forging, etc., warranty.

SEC. 9. That any person who shall forge, or shall alter knowing it to be forged, any certificate or any writing purporting to contain a warranty, as provided in section eight of this act, shall be guilty of a misdemeanor and be punishable, on conviction, by imprisonment for a term not exceeding one year with hard labor.

Penalty.

Applying false warranty, label, etc.

SEC. 10. That every person who shall willfully apply to any article of food or a drug a certificate or warranty given in relation to any other article or drug, or who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent, or who shall willfully give a label with any article sold by him which shall falsely describe the article sold shall be guilty of a misdemeanor, and on conviction be fined not to exceed one hundred dollars.

Penalty.

Analysis.

SEC. 11. That the analysis provided for in this act, shall be under the control of the Commissioner of Internal Revenue under such rules and regulations as may be prescribed by the Secretary of the Treasury.

Purchaser entitled to have article analyzed.

SEC. 12. That any purchaser of an article of food or of a drug in the said District shall be entitled to have such article analyzed by such analyst, and to receive from him a certificate of the result of his analysis, and any health officer, inspector of nuisances, or any food inspector may procure any sample of food or drug, and if he suspects the same to have been sold to him contrary to any provision of this act he shall submit the same to the Commissioner of Internal Revenue to be analyzed who shall with all convenient speed cause such analysis to be made and give a certificate to such officer, wherein he shall specify the result of the analysis.

Refusal to sell to health officer, etc.

SEC. 13. That if any officer mentioned in section twelve of this act shall apply to purchase any article of food or any drug exposed to sale or on sale by retail on any premises or in any shop or store, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, such person shall be guilty of a misdemeanor and fined for each offense not exceeding fifty dollars.

Penalty.

Definitions.

SEC. 14. That the term "food," as used in this act, shall include every article used for food or drink by man other than drugs or water. The term "drug," as used in this act, shall include all medicines for internal or external use.

Oleomargarine act not affected.

Vol. 24, p. 209.

SEC. 15. That nothing in this act shall be construed as modifying or repealing the provisions of chapter eight hundred and forty of the acts of the first session of the Forty-ninth Congress, entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August sixth, eighteen hundred and eighty-six.

List to be published of articles exempt.

SEC. 16. That the Commissioner of Internal Revenue may, from time to time declare certain articles or preparations to be exempt from the provisions of this act; and it shall be the duty of the Commissioners of the District to prepare and publish from time to time a list of the articles, mixtures, or compounds declared to be exempt from the provisions of this act, in accordance with this section.

Approved, October 12, 1888.