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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 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 changes shall be subject to the approval of the Secretary of War; and the expense of such change and of any other changes at any time required by the Secretary of War in said bridge, or its entire removal after being completed, if the Secretary deems the same necessary, shall be paid by the persons or corporation owning or controlling said bridge.

Amendment.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Commencement and completion.

SEC. 6. 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 three years from the date thereof.

Approved, March 2, 1889.

March 2, 1889.

CHAP. 389.—An act to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over the Tombigbee, Warrior, and Tennessee Rivers, and across Grand Pass to Dauphin's Island, in the Gulf of Mexico.

Gulf and Chicago Air-Line Railway Company may bridge Tombigbee River, Ala.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Gulf and Chicago Air-Line Railway Company, a corporation duly organized and legally incorporated under the laws of the State of Alabama, its successor or legal representative, may erect a bridge over the Tombigbee River at such point in the vicinity of Coffeeville, in Clarke County, as surveys and examinations may establish to be the best and most advantageous point for crossing said river. Said corporation, its successor or legal representative, may also construct bridges over the Warrior River at or near Tuscaloosa, and the Tennessee River at or near Milton's Bluff; and for purposes of reaching a terminal point and uninterrupted navigation at deep water on the Gulf of Mexico, said railway company may construct and extend its line from its present terminus at Cedar Point, in said State of Alabama, across Grant Pass and the shoal waters intervening, to Dauphin's Island, in the Gulf of Mexico; and for such purposes may construct, operate, and maintain such tramways, tracks, road-beds, bridges, and terminal facilities at and between said Dauphin's Island and Cedar Point, or in vicinity thereof, as are necessary for use of said railway in the common course and conduct of its business.

Warrior River, at Tuscaloosa.
Tennessee River, at Milton's Bluff.

Grant Pass to Dauphin's Island.

Construction.

SEC. 2. That any bridge built under the provisions of this act may, at the option of said Railway Company, be built as a draw-bridge or with unbroken and continuous spans: *Provided*, That if any such bridge shall be made with unbroken and continuous spans, the main span shall be over the main channel of such navigable river or pass, and shall be of such width, and the lowest part of the superstructure shall be of such height above extreme high-water mark, as the Secretary of War may prescribe; and such bridge shall be at right angles to and its piers parallel with the current or channel of the river or pass over which it may be constructed; and if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed with an opening over the center of the channel of the river or pass, and shall be of such width, character, and construction as the Secretary of War shall prescribe, and the piers of said bridge shall be parallel with the current, and the draw of said bridge shall be over the main or deep channel of the river or pass,

Provisos.
Spans.

Draws.

as may be fixed and determined by the Secretary of War: *Provided also*, That the said draws shall be opened promptly upon reasonable signal for the passage of boats, and in no case shall unnecessary delay occur; and said company or corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridges as the Light House Board shall prescribe: *And provided also*, That said bridges, at the option of the Corporation or Company by which they may be built, may be used for the passage of wagons or vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rate of toll as may be approved from time to time by the Secretary of War.

Opening draws.

Lights, etc.

May be wagon and foot bridges.

Toll.

Lawful structures and post-routes.

SEC. 3. That any bridge authorized to be constructed under this act 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, 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 for through passengers or freight passing over said bridge or bridges, than the rate per mile for their transportation over the railroads leading to the said bridge or bridges; 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 for a postal telegraph across said bridge or bridges. Said bridge or bridges, and the construction and extension of the line from its present terminus at Cedar Point across to Dauphin's Island, and the terminal facilities at and between Dauphin's Island and Cedar Point, where they project into navigable water, shall be built and located under and subject to such regulations for the security of navigation of navigable rivers and waters 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 any such bridges or constructions, and a map of location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, and shores of Mobile Bay, Gulf of Mexico, Mississippi Sound, or Strait connecting Mobile Bay and Mississippi Sound, 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 and channel 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 bridge or bridges or constructions are approved by the Secretary of War the bridge or constructions shall not be built; and should any change be made in the plan of any such bridge or construction during the progress of construction thereof, such change shall be subject to the approval of the Secretary of War.

Postal telegraph.

Secretary of War to approve plans, etc.

Changes.

Use by other companies.

SEC. 4. That all railroad companies desiring the use of any bridge constructed under this act shall have and be entitled to equal rights and privileges relative to the passage of railways trains or cars over the same, and over the approaches thereto, upon 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 a hearing of the allegations and proofs of the parties.

Compensation.

Decision by Secretary of War.

Alterations.

SEC. 5. That such alterations or changes as may be required by the Secretary of War or Congress in bridges or other structures built under the provisions of this act shall be made by the persons or corporations owning or controlling said bridges or structures at their own expense; and if any litigation shall arise in regard to said

Litigation.

bridges, or either of them, by reason of their obstructing navigation, the same shall be had in the circuit court of the United States within whose territorial jurisdiction said bridges or any part thereof may be located; and it is hereby expressly provided that Congress reserves the right at any time to alter, amend, or repeal this act. Amendment.

SEC. 6. No tramway, track, road-bed, wharf, pier, or other structure shall be built upon the United States military reservation on Dauphin's Island, without the approval and consent of the Secretary of War first had, and the said structure shall be removed by the parties owning or controlling the same, at their own expense, when the Secretary of War so requires: *Provided, also*, That the United States may use such structure when built without charge. Right of way, etc., military reservation, Dauphin's Island. *Proviso.* Use by Government.

SEC. 7. That this act shall be null and void if actual construction of the bridge or bridges herein authorized be not commenced within one year and completed within three years from the date thereof. Commencement and completion.

Approved, March 2, 1889.

CHAP. 390.—An act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico. March 2, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SEC. 1. That the charge of desertion now standing on the rolls and records in the office of the Adjutant General of the United States Army against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such soldier 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, and, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge, or that such soldier absented himself from his command, or from hospital while suffering from wounds, injuries, or disease received or contracted in the line of duty and was prevented from completing his term of enlistment by reason of such wounds, injuries, or disease. Charges of desertion removed from record of certain volunteers.

SEC. 2. That the Secretary of War is hereby authorized to remove the charge of desertion from the record of any regular or volunteer soldier in the late war upon proper application therefor, and satisfactory proof in the following cases: Applications for removal.

First. That such soldier, after such charge of desertion was made, and within a reasonable time thereafter, voluntarily returned to his command and served faithfully to the end of his term of service, or until discharged. Return to duty.

Second. That such soldier absented himself from his command or from hospital while suffering from wounds, injuries, or disease, received or contracted in the line of duty, and upon recovery voluntarily returned to his command and served faithfully thereafter, or died from such wounds, injuries, or disease while so absent, and before the date of muster out of his command, or expiration of his term of service, or was prevented from so returning by reason of such wounds, injuries, or diseases before such muster out, or expiration of service. Absence while sick or wounded.

Third. That such soldier was a minor, and was enlisted without the consent of his parent or guardian, and was released or discharged from such service by the order or decree of any court of competent jurisdiction on habeas corpus or other proper judicial proceedings; and in any such case, no pay, allowance, bounty, or pension, shall be allowed or granted. Minors discharged by order of court.