

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, March 2, 1889.

CHAP. 401.—An act to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri.

March 2, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Leavenworth and Platte County Bridge Company, a corporation duly organized and existing under the laws of the State of Kansas, its successors and assigns, be, and are hereby, authorized to construct and maintain a bridge, and approaches thereto, across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri, at some point at least one-fourth of a mile from any other bridge, to be selected consistent with the interests of river navigation. Said bridge shall be constructed to provide for the passage of railway trains, wagons, and vehicles of all kinds, steam and street cars, animals, foot-passengers, and for all road travel, for such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by said corporation, its successors and assigns, and to be approved from time to time by the Secretary of War.

Leavenworth and Platte County Bridge Company may bridge Missouri River at Leavenworth, Kans. Ante, p. 691.

Railway, wagon, and foot bridge.

Toll.

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 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 said bridge shall be constructed as a ponton draw-span bridge, and shall contain a ponton draw-span of not less than four hundred feet in length, which draw-span shall be maintained over the main channel of the river at an accessible and navigable point, 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 by said company, upon reasonable signal, for the passage of boats and rafts, 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 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 river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of Kansas in which any portion of said obstruction or bridge

Construction. Draw.

Provisions. Opening draw.

Lights, etc.

Unobstructed navigation.

Litigation.

Existing laws.	may be located: <i>And provided further</i> , That nothing in this act shall be 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 this bridge from the operation of the same: <i>Provided</i> , That said company may construct a wagon and foot bridge alone, and in case of the construction of a wagon and foot bridge alone the draws shall be of the same length herein provided, and shall be of such construction as shall be approved by the Secretary of War, and shall be subject to all the provisions herein contained in respect to being promptly opened to admit of the unobstructed navigation of said river, and of keeping the same lighted as herein provided in case of railroad and wagon bridge; and in such case the provisions herein in relation to use for railroad purposes shall not apply.
Wagon and foot bridge provisions.	
Use by railroad companies.	SEC. 4. 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 railroad trains or cars over the same, and 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.	SEC. 5. 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-half 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 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 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.
Secretary of War to approve plans, etc.	
Amendment, etc.	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, March 2, 1889.

March 2, 1889.	CHAP. 402. —An act to amend an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Arkansas."
Bridge across Poteau River, Ind. Ter. <i>Ante</i> , p. 184.	<i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled</i> , That an act entitled "An act to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Arkansas," approved June eighteenth, eighteen hundred and eighty-eight, be amended as follows:
Jurisdiction in litigation.	"That the district court of the United States for the western district of Arkansas, or such other court of the United States as may