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highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes in the United States.

Postal telegraph.

SEC. 5. That the United States shall have the right of way for such postal and telegraph lines across said bridge as the Government may construct or control, and all telegraph and telephone companies shall have equal privileges as to said bridge.

Amendment, etc.

SEC. 6. That Congress shall have power at any time to alter, amend, or repeal this act, so as to prevent or remove all obstructions to the navigation of said river by the construction of said bridge and its accessory works; and all alterations of said bridge shall be made and all such obstructions shall be removed at the expense of the owners of or persons controlling such bridge: *Provided further*, 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 this bridge from the operation of the same.

Proviso.

Existing laws.

Commencement and completion.

SEC. 7. That this act shall be 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. 407.—An act to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Lyons, Iowa.

Lyons and Fulton Bridge Company may bridge Mississippi River at Lyons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Lyons and Fulton Bridge Company a corporation organized and existing under and by virtue of the laws of the State of Iowa, its successors and assigns, be and they are hereby, authorized to construct and maintain a railroad, wagon, and foot-passenger bridge across the Mississippi River at a point at or near the city of Lyons, Iowa, under the limitations and conditions hereinafter provided, and to lay on or over said bridge a tract or tracts for the more perfect connection of any railroad or railroads that are or may be constructed to said river, on either or both sides thereof, at or opposite said point. That said bridge shall not interfere with the free navigation of said river; 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 is located. Said bridge shall be constructed to provide for the safe and convenient passage of railroad trains, wagons and vehicles of all kinds, animals, and foot-passengers, for such reasonable rates of toll as may be fixed from time to time subject to approval and change by the Secretary of War.

Railway, wagon, and foot bridge.

Unobstructed navigation.

Litigation.

Toll.

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 ponton draw-bridge or with unbroken and continuous spans: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall give clear head-room of not less, in any case, than fifty-five and one-half feet above extream high-water mark, as understood at the point of location, nor shall the spans of said bridge give a clear width of water-way of less than three hundred and fifty feet, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river and give a clear width of water-way of not less than three hundred and fifty feet: *And provided further*, That if any bridge built under the provisions of this act 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

Provisos.

Spans.

Draw.

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: *Provided*, That if the pivot pier of said bridge shall be constructed within less than four hundred and ten feet of the west shore of said river the span constructed west of said pivot pier may be less than three hundred and fifty feet, and every part of the superstructure of said low bridge shall give a clear head-room of 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: *And provided further*, That if any bridge built under the provisions of this act shall be constructed as a ponton bridge, it shall be built subject, except as herein modified, to all the terms, requirements, and limitations contained in the act entitled "An act to legalize and establish a ponton rail-way bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June sixth, eighteen hundred and seventy-four, so far as they may be applicable thereto: *And provided, also*, That it shall be constructed with one suitable ponton draw of not less than five hundred feet in width, located over the main channel of the river, which shall be opened promptly upon reasonable signal for the passage of boats and as herein provided for a draw-bridge.

Pivot pier, etc.

Opening draw.

Ponton bridge.

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Draw.

Lawful structure and post-route.

SEC. 3. 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 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 their transportation over the railroads and public highways leading to said bridge; and equal privileges in the use of said bridge shall be granted all railroad, telephone and telegraph companies, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

Postal telegraph.

Use by other companies.

SEC. 4. That all railroad and other companies 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.

Terms.

Secretary of War to approve plans, etc.

SEC. 5. 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 a 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-line 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 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 or unnecessarily 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 and easily navigated channel, for a distance of not less than one mile above the bridge location, 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 from time to time 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 Congress or 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 by law, when the public good shall, in the judgment of Congress or the Secretary of War so require, without any expense or charge to the United States.

Aids to navigation.

Lights.

Changes.

SEC. 6. That if actual construction of the bridge herein authorized shall not be commenced within two years from the passage of this act, and be completed in four years from the same date, the rights and privileges hereby granted shall cease and be determined.

Commencement and completion.

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

Amendment, etc.

Approved, March 2, 1889.

CHAP. 408.—An act to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point two miles above the city of Saint Charles, in the County of Saint Charles, 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 an act entitled "An act to authorize the construction of a bridge over the Missouri River at the most accessible point between the mouth of the Femme Osage Creek and a point two miles above the city of Saint Charles, in the county of Saint Charles, in the State of Missouri," approved May seventeenth, eighteen hundred and eighty six, be, and the same is hereby, amended as follows, namely:

Bridge over Missouri River at Saint Charles, Mo.

Location and corporation changed.

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Strike out the first section of said act and insert in lieu thereof the following:

"That the Cleveland, Saint Louis and Kansas City Railway Company, a corporation organized under the laws of the State of Missouri (and being the successor and assignee of the Saint Louis and Kansas City Short-Line Railway Company), and its assigns and successors, is hereby authorized to construct and maintain a bridge across the Missouri River at such point as may be hereafter selected by said corporation between the city of Saint Charles and the mouth of the Missouri River, in the county of Saint Charles, in the State of Missouri, as shall best promote the public convenience and welfare and the necessities of business and commerce, and also to construct accessory works to secure the best practicable channel-way for navigation and confine the flow of the water to a permanent channel at such point, and to lay on and over said bridge one or more railroad tracks for the more perfect connection of any railroads that are or shall be constructed to said river at or opposite said point."

Cleveland, Saint Louis and Kansas City Railway Company may bridge Missouri River near Saint Charles, Mo.

Railway bridge.