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of this act, the rights and privileges hereby granted, as well as those granted by the act approved March third, eighteen hundred and eighty-three, shall cease and be determined.

Amendment, etc.

SEC. 3. The right to amend or repeal this act at the pleasure of Congress is hereby expressly reserved.

Approved, October 1, 1890.

October 1, 1890.

CHAP. 1243.—An act to authorize the construction of a bridge across the Alabama River, at or near Selma, Alabama, by the Selma and Cahawba Valley Railroad Company.

Selma and Cahawba Valley Railroad Company may bridge Alabama River at Selma, Ala.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Selma and Cahawba Valley Railroad Company, a corporation existing under the laws of Alabama, its successors and assigns, be, and is hereby, authorized to construct and maintain a bridge across the Alabama River at a place suitable to commerce and not interfering with navigation, at a point at or near Selma, in the State of Alabama, and to lay on or over said bridge a 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 said point, under the limitations and conditions hereinafter provided; 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, by reason of the construction of said bridge, the cause may be tried before the circuit court of the United States in and for any district in whose jurisdiction any portion of said obstruction or bridge may be. Said bridge shall be constructed to provide for the passage of railroad trains.

Location.

Tracks.

Conditions, etc.

Free navigation.

Litigation.

Railroad bridge.

Draw-openings.

SEC. 2. That said bridge shall be provided with one or more draw-openings, each having not less than one hundred and twenty-five feet clear channel-way at low water and in addition to said draw-openings one or more fixed channel-spans, each having not less than two hundred feet clear channel-way; and every part of the superstructure of said bridge shall give a clear head room of not less than ten feet above extreme known high-water mark: *Provided*, That all spans shall be so located as to afford the greatest possible accommodation to the river traffic, and a draw opening shall, if practicable, be located next or near shore: *Provided, also*, That if the physical characteristics of the locality so require, and the interests of navigation be not injured thereby, the lengths of the fixed spans or the number of draw-openings may be reduced: *Provided, also*, That for any two adjacent draw-openings of one hundred and twenty-five feet each one draw-opening of two hundred feet or more may be substituted if in the opinion of the Secretary of War the interests of navigation be not injured thereby.

Channel-spans.

Provisos.

Location of spans, and a draw-opening.

Reduction of fixed spans and draw-openings.

Substitute draw-opening.

Operating power.

Opening of draws.

SEC. 3. That all draw-spans authorized by this act shall be operated by steam or other reliable power, and shall be opened promptly upon reasonable signal for the passage of boats, except when trains are passing over said span or spans; but in no case shall unnecessary delay occur in opening said draw after the passage of trains; and also that in case the opening of a draw is delayed by reason of the passing of a train after the signal has been given from a boat ready to pass through the draw shall be opened for the passage of such boat before another train is allowed to pass over the said span or spans; nor shall there be any unnecessary delay in the passage of trains over the bridge.

Passage of trains.

Construction of piers, accessory works, etc.

SEC. 4. That all piers shall be built as near as may be parallel with the current of the river at that stage of water which is most important for navigation, and the bridge itself shall be built as nearly as may be at right angles thereto; and that riprapping or other protection for imperfect foundations which will lessen the required water-

Obstructed navigation.

way shall not be permitted; and also that piers which will produce cross-currents or bars dangerous to navigation shall not be constructed; and if after construction any piers or accessory works are found to produce the above-mentioned effects, or if any riprapping or other protection prohibited by this section is found to exist, the nuisance shall be abated or corrected under the direction of the Secretary of War, at the expense of the company or persons owning, controlling, or operating said bridge.

Approaches.

SEC. 5. That the approaches to said bridge shall be so designed and constructed as not to interfere with the free discharge of said river in seasons of flood; and any encroachment on the high-water cross-section by piers, solid embankments, or otherwise which will result in unduly accelerating the high-water current at the site of the bridge shall not be allowed.

Encroachment by piers, etc.

Aids to navigation.

SEC. 6. That any corporation, company, or persons owning, controlling, or operating the bridge built under the authority of this act shall build and maintain at all times, as accessory works to such bridge, such booms, piers, dikes, guard fences, and similar devices as may be necessary to insure at all times a permanent channel for a sufficient distance above and below the bridge site, and for the guiding of rafts, steam-boats, and other water-craft safely under or through said bridge; and if at any time after the construction of the bridge and its accessory works the approaches to draw openings, channel-spans, or raft-passages in said bridge are found to be dangerous or difficult of access by river traffic, the Secretary of War may, upon the recommendation of the Chief of Engineers, United States Army, order the corporation, company, or persons owning, controlling, or operating said bridge to construct, under his directions, and to maintain such additional sheer-booms, dikes, and other devices as will obviate the difficulty mentioned, which additional sheer-booms, dikes, and other devices shall be built and maintained at their own expense by said company or persons; and that said company or persons shall maintain, at their own expense, from sunset to sunrise throughout the season of navigation, such lights and other signals on said bridge as may be required by the Light-House Board for the security of navigation.

Additional aids.

Lights, etc.

Security of navigation.

SEC. 7. That the bridge authorized to be constructed by this act shall be located and built under and subject to such regulations for the security of navigation on said river as the Secretary of War shall prescribe; and to secure that object said corporation shall submit for his examination a design and drawings of the bridge, piers, approaches, and accessory works, and a map of the location, giving, for a space of at least three miles above and one mile below the proposed location, the topography of the banks of the river and the shore-lines at high and low water. This map shall be accompanied by others drawn on the scale of one inch to two hundred feet, giving, for a space of one-half a mile above the line of the proposed bridge and one-quarter of a mile below, an accurate representation of the bottom of the river, by contour lines five feet apart, determined by accurate soundings, and also showing over the whole width of this part of the river the force and direction of the currents at low water, at high water, and at least one intermediate stage by triangulated observations on suitable floats. The maps shall also show the location of other bridges in the vicinity, and shall give such information as the Secretary of War may require for a full and satisfactory understanding of the subject; and the construction of the proposed bridge shall not be commenced until the location and plans thereof are approved by the Secretary of War.

Secretary of War to approve location, plans, etc.

Maps.

General supervision.

Changes in plan.

SEC. 8. That any bridge constructed under the authority of this act shall be built under the general supervision of the Secretary of War, and no changes or alterations in plans shall be made during the construction of said bridge or after its completion, unless said

changes or alterations conform to the provisions of this act and are authorized by the Secretary of War. That such alterations and changes as may be required by the Secretary of War in said bridge so as to preserve free and convenient navigation shall be made under the direction of the Secretary of War at the expense of the company or persons owning, controlling, or operating said bridge. That during original construction or in carrying out any authorized changes or repairs of said bridge a navigable channel shall be preserved at the site of the bridge at all times, and the water-way of the river shall not be obstructed to a greater extent than is absolutely necessary, and such lights and buoys shall be kept on all coffer-dams, piles, and so forth, as may be necessary for the security of navigation.

Structural changes.

Security of navigation while building, etc.

Lights and buoys.

Secretary of War to enforce safety of navigation, etc.

Ante, p. 564.

SEC. 9. That whenever the Secretary of War has good reason to believe that any of the provisions of sections four, six, and eight of this act have not been complied with by the company or persons owning, controlling, or operating the bridge authorized under its provisions it shall be the duty of the Secretary of War, on satisfactory proof thereof, to require the said company or persons to comply with the provisions of said sections, and, on failure of said persons or company to comply with said requirements within a reasonable time, the Secretary of War shall proceed to cause the necessary work, in the form of additions, alterations, repairs, or removal of obstructions, to be made at the expense of the United States and shall refer the matter, without delay, to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in the circuit court of the United States in and for the district in which any portion of said obstruction or bridge may be, for the recovery of such expense, and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

Litigation, etc.

Use by other railroad companies.

SEC. 10. That all railroad companies desiring the use of the bridge authorized by this act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon the 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; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Compensation.

Disagreements decided by Secretary of War.

Use by telegraph, etc., companies.

Lawful structure and post-route.

SEC. 11. That the bridge constructed, maintained, and operated under this act and according 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 transportation 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 of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal telegraph and telephone purposes over said bridge.

Postal telegraph.

Commencement and completion.

SEC. 12. 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 of approval thereof.

Amendment, etc.

Removal.

SEC. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require the entire removal of the bridge constructed under the provisions of this act, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

Approved, October 1, 1890.