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are approved by the Secretary of War the structure shall not be built; and should any change be made in said bridge before or after completion, such changes shall likewise be subject to the approval of the Secretary of War; and any changes in said bridge which the Secretary of War may at any time deem necessary and order in the interests of navigation shall be made by the owners thereof at their expense: *Provided further*, That for the safety of vessels passing at night the owners of said bridge shall maintain thereon, at their own expense, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe.

Changes.

Lights, etc.

Use by other companies.
Compensation.

SEC. 2. That all railroad companies desiring the use of said bridge shall have equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case the owners of said bridge and any railroad company desiring such use shall fail to agree upon the sums to be paid or the conditions to be observed, all matters at issue shall be decided by the Secretary of War upon hearing the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to telegraph and telephone companies.

Telegraph, etc., privileges.

Lawful structure and post route.

SEC. 3. 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 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 a postal telegraph across said bridge.

Postal telegraph.

Time of construction.

SEC. 4. 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 approval of this Act.

Amendment.

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

Approved, February 24, 1902.

February 24, 1902.
[Public, No. 20.]

CHAP. 29.—An Act Authorizing the Memphis, Helena and Louisiana Railway Company to construct and maintain a bridge across the Arkansas River, in the State of Arkansas.

Arkansas River, Ark. Memphis, Helena and Louisiana Railway Company may bridge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Memphis, Helena and Louisiana Railway Company, a corporation created and existing under and by virtue of the laws of the State of Arkansas, be, and it is hereby, authorized to construct and maintain a bridge across the Arkansas River, in the State of Arkansas, at such point on the boundary line between the counties of Arkansas and Desha in said State suitable to the interests of navigation as may hereafter be selected by said railway company for crossing said river with its railway line. Said bridge shall be constructed to provide for the passage of railway trains and, at the option of said railway company, may be used for the passage of wagons and vehicles of all kinds and for the transit of animals and for foot passengers, for such reasonable rates of toll as may be fixed by said railway company and approved by the Secretary of War.

Railway, wagon, and foot bridge.
Toll.

Lawful structure and post route.

SEC. 2. That said 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 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 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 and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes: *Provided*, That the bridge herein authorized to be constructed shall be so kept and managed by the company owning or operating it as to afford proper ways and means for the passage through or under it of vessels, barges, or rafts, at all times, both by day and by night; and there shall be displayed on said bridge, from sunset to sunrise, such lights and signals as the Light-House Board shall prescribe.

Postal telegraph.

Proviso. Aids to navigation.

Lights, etc.

SEC. 3. That if said bridge, erected and maintained under the authority of this Act, shall at any time substantially or materially obstruct the free navigation of said river, or 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 such alteration 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, the case may be brought in the district court of the United States, in the State of Arkansas, for the district in which any portion of said obstruction or bridge may be located: *Provided*, 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 said bridge from the operation of the same.

Secretary of War to cause changes, etc.

Litigation.

Proviso. Protection of navigation.

SEC. 4. That all railroad companies desiring the use of the bridge constructed under 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 payment of a reasonable compensation for such use; and in case the parties interested shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in using said bridge all matters at issue between them shall, upon the application of either party, be determined by the district court of the United States in and for any district in which any portion of said bridge may be.

Use by other companies. Compensation.

SEC. 5. That the 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 said bridge and a map of the location, giving for the space of one mile above and one mile below the proposed location of the bridge the topography of the banks of the river, with shore lines at high and low water, 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 are approved by the Secretary of War the bridge shall not be built, and should any change be made in the plans of the said bridge during the process of construction or after completion such change shall be subject to the approval of the Secretary of War, and said structure shall be changed at the cost and expense of the owners thereof from time to time as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

Secretary of War to approve plans, etc.

Changes.

SEC. 6. 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 hereof.

Time of construction.

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

Amendment.

Approved, February 24, 1902.