

Lawful structures
and post-routes.

Postal telegraph.

Commencement and
completion.

Amendment.

been received the bridges shall not be commenced or built, and should any material changes be made in the plan of the bridge or said accessory works, during the progress of the work thereon, such change shall be likewise subject to the approval of the Secretary of War.

SEC. 4. That any bridge and accessory works when built and constructed under this act and according to the terms and limitations thereof, shall be a lawful structure; and said bridge 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 railroads or public highway leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes 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 for postal telegraph purposes across said bridge and its approaches; and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridges.

SEC. 5. That this act shall be null and void if actual construction of the bridges herein authorized be not commenced within one year and completed within three years from the date thereof.

SEC. 6. That the right to alter, amend, or repeal this act is expressly reserved.

Approved, August 6, 1888.

August 6, 1888.

CHAP. 757.—An act granting to the corporate authorities of the city of Tuscaloosa, in the State of Alabama, all the right, title, and interest of the United States to fractional sections twenty-two and fifteen, lying south of the Black Warrior River, in township twenty-one, and range ten west.

Tuscaloosa, Ala.
Interest, etc., of
United States in cer-
tain lands released to.

To Tuscaloosa.

To occupants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the interest or claim of the United States in and to fractional sections twenty-two and fifteen, lying south of the Black Warrior River, in township twenty-one, of range ten west, in the State of Alabama, be, and the same is hereby, relinquished to and vested in the city of Tuscaloosa for the following purposes:

First. The part and parts of said fractional sections constituting the localities known as the "river margin," the "streets of said city," the "pond," and the "common", shall vest in said city absolutely.

Second. The residue of said fractional sections shall be vested in the said city in trust, for the use of each of the occupants of the lots, or parts of lots thereof, who are owners in good faith, according to the title which is now vested in each; the intent of this act being not to give any right to said occupants except what arises from the relinquishment of the right or claim of the United States thereto.

Approved, August 6, 1888.

August 7, 1888.

CHAP. 772.—An act supplementary to the act of July first, eighteen hundred and sixty-two, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also of the act of July second, eighteen hundred and sixty-four, and other acts amendatory of said first-named act.

Subsidized railroad
companies to maintain
telegraph lines.
Vol. 12, p. 489.
Vol. 13, p. 356.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all railroad and telegraph companies to which the United States has granted any subsidy in lands or bonds or loan of credit for the construction of either railroad or telegraph lines, which, by the acts incorporating

them, or by any act amendatory or supplementary thereto, are required to construct, maintain, or operate telegraph lines, and all companies engaged in operating said railroad or telegraph lines shall forthwith and henceforward, by and through their own respective corporate officers and employees, maintain, and operate, for railroad, Governmental, commercial, and all other purposes, telegraph lines, and exercise by themselves alone all the telegraph franchises conferred upon them and obligations assumed by them under the acts making the grants as aforesaid.

SEC. 2. That whenever any telegraph company which shall have accepted the provisions of title sixty-five of the Revised Statutes shall extend its line to any station or office of a telegraph line belonging to any one of said railroad or telegraph companies, referred to in the first section of this act, said telegraph company so extending its line shall have the right and said railroad or telegraph company shall allow the line of said telegraph company so extending its line to connect with the telegraph line of said railroad or telegraph company to which it is extended at the place where their lines may meet, for the prompt and convenient interchange of telegraph business between said companies; and such railroad and telegraph companies, referred to in the first section of this act, shall so operate their respective telegraph lines as to afford equal facilities to all, without discrimination in favor of or against any person, company, or corporation whatever, and shall receive, deliver, and exchange business with connecting telegraph lines on equal terms, and affording equal facilities, and without discrimination for or against any one of such connecting lines; and such exchange of business shall be on terms just and equitable.

Equal facilities to be given to connecting lines.
R. S., Title LXV, p. 1013.

SEC. 3. That if any such railroad or telegraph company referred to in the first section of this act, or company operating such railroad or telegraph line shall refuse or fail, in whole or in part, to maintain, and operate a telegraph line as provided in this act and acts to which this is supplementary, for the use of the Government or the public, for commercial and other purposes, without discrimination, or shall refuse or fail to make or continue such arrangements for the interchange of business with any connecting telegraph company, then any person, company, corporation, or connecting telegraph company may apply for relief to the Interstate Commerce Commission, whose duty it shall thereupon be, under such rules and regulations as said Commission may prescribe, to ascertain the facts, and determine and order what arrangement is proper to be made in the particular case, and the railroad or telegraph company concerned shall abide by and perform such order; and it shall be the duty of the Interstate Commerce Commission, when such determination and order are made, to notify the parties concerned, and, if necessary, enforce the same by writ of mandamus in the courts of the United States, in the name of the United States, at the relation of either of said Interstate Commerce Commissioners: *Provided*, That the said Commissioners may institute any inquiry, upon their own motion, in the same manner and to the same effect as though complaint had been made.

Interstate Commerce Commission to compel compliance.

Proviso.
Investigations.

SEC. 4. That in order to secure and preserve to the United States the full value and benefit of its liens upon all the telegraph lines required to be constructed by and lawfully belonging to said railroad and telegraph companies referred to in the first section of this act, and to have the same possessed, used, and operated in conformity with the provisions of this act and of the several acts to which this act is supplementary, it is hereby made the duty of the Attorney-General of the United States, by proper proceedings, to prevent any unlawful interference with the rights and equities of the United States under this act, and under the acts hereinbefore mentioned, and under all acts of Congress relating to such railroads and telegraph lines,

Attorney-General to prevent interference with rights of Government.

and to have legally ascertained and finally adjudicated all alleged rights of all persons and corporations whatever claiming in any manner any control or interest of any kind in any telegraph lines or property, or exclusive rights of way upon the lands of said railroad companies, or any of them, and to have all contracts and provisions of contracts set aside and annulled which have been unlawfully and beyond their powers entered into by said railroad or telegraph companies, or any of them, with any other person, company, or corporation.

Punishment for refusing to obey law, etc.

SEC. 5. That any officer or agent of said railroad or telegraph companies, or of any company operating the railroads and telegraph lines of said companies, who shall refuse or fail to operate the telegraph lines of said railroad or telegraph companies under his control, or which he is engaged in operating, in the manner directed in this act and by the acts to which it is supplementary, or who shall refuse or fail, in such operation and use, to afford and secure to the Government and the public equal facilities, or to secure to each of said connecting telegraph lines equal advantages and facilities in the interchange of business, as herein provided for, without any discrimination whatever for or adverse to the telegraph line of any or either of said connecting companies, or shall refuse to abide by, or perform and carry out within a reasonable time the order or orders of the Interstate Commerce Commission, shall in every such case of refusal or failure be guilty of a misdemeanor, and, on conviction thereof, shall in every such case be fined in a sum not exceeding one thousand dollars, and may be imprisoned not less than six months; and in every such case of refusal or failure the party aggrieved may not only cause the officer or agent guilty thereof to be prosecuted under the provisions of this section, but may also bring an action for the damages sustained thereby against the company whose officer or agent may be guilty thereof, in the circuit or district court of the United States in any State or Territory in which any portion of the road or telegraph line of said company may be situated; and in case of suit process may be served upon any agent of the company found in such State or Territory, and such service shall be held by the court good and sufficient.

Actions for damages.

Process.

Contracts, etc., to be filed with Interstate Commerce Commission.

SEC. 6. That it shall be the duty of each and every one of the aforesaid railroad and telegraph companies, within sixty days from and after the passage of this act, to file with the Interstate Commerce Commission copies of all contracts and agreements of every description existing between it and every other person or corporation whatsoever in reference to the ownership, possession, maintenance, control, use, or operation of any telegraph lines, or property over or upon its rights of way, and also a report describing with sufficient certainty the telegraph lines and property belonging to it, and the manner in which the same are being then used and operated by it, and the telegraph lines and property upon its right of way in which any other person or corporation claims to have a title or interest, and setting forth the grounds of such claim, and the manner in which the same are being then used and operated; and it shall be the duty of each and every one of said railroad and telegraph companies annually hereafter to report to the Interstate Commerce Commission, with reasonable fullness and certainty, the nature, extent, value, and condition of the telegraph lines and property then belonging to it, the gross earnings, and all expenses of maintenance, use, and operation thereof, and its relation and business with all connecting telegraph companies during the preceding year, at such time and in such manner as may be required by a system of reports which said commission shall prescribe; and if any of said railroad or telegraph companies shall refuse or fail to make such reports or any report as may be called for by said Commission, or refuse to submit its books and records for

Reports.

Penalty for failure.

inspection, such neglect or refusal shall operate as a forfeiture, in each case of such neglect or refusal, of a sum not less than one thousand dollars nor more than five thousand dollars, to be recovered by the Attorney-General of the United States, in the name and for the use and benefit of the United States; and it shall be the duty of the Interstate Commerce Commission to inform the Attorney-General of all such cases of neglect or refusal, whose duty it shall be to proceed at once to judicially enforce the forfeitures hereinbefore provided.

SEC. 7. That nothing in this act shall be construed to affect or impair the right of Congress, at any time hereafter, to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal as, in the opinion of Congress, justice or the public welfare may require; and nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in the United States, or any authority that the Postmaster-General now has under title sixty-five of the Revised Statutes to fix rates, or, of the Government, to purchase lines as provided under said title, or to have its messages given precedence in transmission.

Approved, August 7, 1888.

Amendment, etc.

R. S. Title LXV, p. 1019.

CHAP. 773.—An act to authorize the construction of a bridge across the Missouri River and to establish it as a post-road.

August 7, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Chicago, Oquawka and Kansas City Short Line Railway Company, a corporation organized under the laws of the State of Illinois, or its successors or assigns, to construct a bridge across the Missouri River at a point opposite or nearly opposite the town of Parkville, in the State of Missouri; that said bridge may be constructed for railway and postal service, with single or double tracks for railway traffic, and which shall be under the conditions and limitations hereinafter specified.

Chicago, Oquawka and Kansas City Short Line Railway Company may bridge Missouri River at Parkville, Mo.
Aute, p. 312.

SEC. 2. That said bridge shall not interfere with the free navigation of said river beyond what may be necessary to carry into effect the rights and privileges herein granted; and in case of any litigation arising under the provisions of this act such litigation may be tried and determined by the circuit court of the United States within whose jurisdiction said bridge or any part thereof is located.

Unobstructed navigation.

SEC. 3. That the bridge hereby authorized to be constructed must be constructed as a high bridge with unbroken and continuous spans having at least one channel-span of not less than four hundred feet clear channel-way and all other spans over the water-way to have a clear channel-way of not less than three hundred feet; and all spans shall have a clear head-room of not less than fifty feet above high-water mark.

Construction.

SEC. 4. That any bridge constructed under this act shall be a lawful structure, and shall be known as a post-road, and the same is hereby declared to be a post-road, over which no higher charge shall be made for the transmission of mails, troops, and munitions of war of the Government of the United States or for passenger or freight passing over the same than the rate per mile charged for their transportation over the railroad or public highways leading to the said bridge, and equal privileges in the use of said bridge shall be granted to all telegraph companies. The United States shall have also the right of way over said bridge for postal telegraph purposes.

Lawful structure and post-route.

SEC. 5. That all railway companies desiring to use said bridge shall be entitled to equal rights and privileges in using the same, including

Postal telegraph.
Use by other companies.