

SEC. 3. 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, cars, and locomotives 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 the said bridge and the several railroad companies, or any 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 such matters of difference between them shall be decided by the Secretary of War, upon a hearing of the allegations and proof of the parties.

Other companies may use.

Secretary of War to decide terms.

SEC. 4. That the bridge authorized to be constructed under this act shall be a lawful structure, and shall be recognized and 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, troops, and munitions of war of the United States, or for through railway passengers or freight passing over said bridge, than the rate per mile for the transmission over the railroads leading to said bridge; 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. Amendment.

SEC. 5. That the right to alter, amend, or repeal this act, so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of the said bridge, is hereby expressly reserved, and any alterations or changes that may be required by the Secretary of War in the bridge constructed under this act, shall be made by the corporation owning or controlling the same, at its own expense; and if said bridge shall not be finished within two years from the passage of this act, the rights and privileges hereby granted shall be null and void.

To be completed in two years.

Approved, July 16, 1888.

CHAP. 624.—An act to authorize the construction of a bridge across the Mississippi River at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road.

July 16, 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 Mississippi River at a point suitable to the interests of navigation in the vicinity of the city of Oquawka, in the county of Henderson, State of Illinois: *Provided,* That a public necessity exists for said bridge; 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 Mississippi River at Oquawka, Ill.

Proviso. Necessity.

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 therefrom, such litigation may be tried and determined by any circuit court of the United States whose jurisdiction embraces either terminus of said bridge.

Free navigation.

SEC. 3. That the bridge hereby authorized to be constructed must be constructed either as a draw-bridge or of unbroken spans. If constructed of unbroken spans, then it shall have a clear head-room of not less than fifty-five feet above extreme high water, as understood and determined at the point of location. Nor shall any span of said bridge be less than two hundred and fifty feet in length, and the piers thereof shall be parallel with the current of the river. The main

Construction. Spans.

span or spans shall be over the main channel or channels of the river and not less than three hundred and fifty feet in length. In casesaid company shall elect to construct said bridge as a draw-bridge, the same shall be constructed as a pivot draw-bridge; with a draw over the main channel, with spans not less than two hundred feet in length in the clear on each side of the pivot-piers, 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, and the said bridge shall give a clear head-room of not less than ten feet at highest water; and the piers of said bridge shall be parallel with the current of the river where said bridge may be erected. And it is further provided that said draw shall open promptly, upon proper signal, for the passage of boats, except when trains are on said draw.

Draw.

Opening draw.

Lawful structure and post-route.

SEC. 4. That any bridge constructed and properly maintained and managed under this act and according to its limitations 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 passage over the same than the rate per mile charge for their transportation over the railroad or public highways leading to 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.

Postal telegraph.

Other companies may use.

SEC. 5. That all railway companies desiring to use said bridge shall be entitled to equal rights and privileges in using the same, of the machinery and fixtures thereto belonging, and also of the approaches thereto, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest, in case the parties in interest shall not be able to agree upon such terms and conditions.

Secretary of War to approve plans, etc.

SEC. 6. That said railway company before entering upon the construction of said bridge shall submit to the Secretary of War, for his examination and approval, plans and drawings of such structure, together with a map of the location thereof, for one mile above and one mile below said location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current of said river at all stages of water, showing also the bed of the river and the channel, with such other and further information as the Secretary of War may require for a full and satisfactory understanding of the subject, which said drawings and other information aforesaid shall be examined by him, and if he shall approve the same, he shall so notify the said railway company of such approval, and thereupon the said company may proceed to the erection of said bridge. But, if the Secretary of War decides that the plans or location are such as to materially affect the interests of navigation, the bridge shall not be commenced or built. The Secretary of War may make such alterations in such plans as he may deem necessary to the better protection of navigation; and such alterations shall be adopted by said railway company, 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 channel for a distance of not less than one mile above, and a sufficient distance below the bridge site, and for the guiding of rafts, steam-boats, and other water craft safely through or under said bridge, as the Secretary of War shall prescribe and order to be constructed and maintained at the expense of the company owning, controlling, or operating said bridge.

Aids to navigation.

Alterations.

The said railway company may, at any time, make any alterations deemed advisable to be made in such bridge, but must first submit such proposed alterations to the Secretary of War, and his approval shall be first had before they shall be authorized.

SEC. 7. That the said bridge and accessory aids to navigation herein authorized and provided for shall be so kept and managed at all times as to afford proper means and ways for the passage of vessels, rafts, and other water craft under or through it both by day and night. There shall be displayed on said bridge from sunset to sunrise such lights and signals as may be directed by the Secretary of War. And such changes may be made from time to time in the structure of said bridge as Congress may direct, at the expense of said railway, in order the more effectually to preserve the free navigation of said river; or the said structure shall be altogether removed if, in the judgment of Congress, the public good may require such removal, and without expense or charge to the United States.

Free navigation.

Lights, etc.

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Amendment.

SEC. 9. That this act shall take effect and be in force from and after its passage.

Effect.

SEC. 10. That this act shall be null and void if actual construction of the bridge authorized by this act be not commenced within one year and completed within two years from the date of this act.

Commencement and completion.

Approved, July 16, 1888.

CHAP. 625.—An act to authorize the construction of a bridge over the Tennessee River, between Bridgeport and Sheffield, Alabama.

July 16, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Cincinnati and Birmingham Railroad Company, a corporation existing under the laws of the State of Tennessee, be, and is hereby, authorized to construct, operate, and maintain a bridge over the Tennessee River, between Bridgeport and Sheffield, in the State of Alabama. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the persons by whom it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rates of toll as may be approved from time to time by the Secretary of War; and in case of any litigation concerning any alleged obstruction to the free navigation of said river on account of said bridge, the cause may be tried before the circuit court of the United States in whose jurisdiction any portion of said obstruction or bridge is located.

Cincinnati and Birmingham Railroad Company may bridge Tennessee River between Bridgeport and Sheffield, Ala.

Railway, wagon, and foot bridge.

Litigation.

SEC. 2. That any bridge constructed 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 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 or public highways leading to said bridge; 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 and telephone purposes across said bridge.

Lawful structure and post-route.

Postal telegraph.

SEC. 3. That said bridge shall be made under such specifications and plans as to the spans, draw-bridge, and so forth, as may be approved by the Secretary of War.

Construction.

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 railway trains over the same, 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 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

Other companies may use.