

be caused by said bridge, the case may be brought in the circuit court of the United States for the State of Nebraska or the State of Iowa in whose jurisdiction any portion of said obstruction or bridge may be located.

And the expense of altering said bridge or removing any obstructions to navigation in respect thereof shall be paid by the owners of or persons controlling said bridge.

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

SEC. 5. That the United States shall have the right of way for such postal-telegraph lines across said bridge as the Government of the United States may construct and control.

SEC. 6. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date thereof.

SEC. 7. That Congress shall have power at any time to alter, amend, or repeal this act.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved, July 16, 1888.

Alterations.

Lawful structure and post-route.

Postal telegraph. Regulation of rates.

Postal telegraph.

Commencement and completion.

Amendment.

Effect.

**CHAP. 631.**—An act to authorize the Birmingham, Selma and New Orleans Railroad Company to build a bridge across the Tombigbee River in 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 Birmingham, Selma and New Orleans Railroad Company, a corporation created and existing under the laws of Alabama, be, and is hereby, authorized to erect and maintain a bridge across the Tombigbee River, at such point between Point Jackson and Demopolis as shall be selected by said railroad company for crossing said river with their railroad line, the said bridge to have a draw-span, so as not to interfere with the navigation of said river: *Provided,* That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known and recognized 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 munitions of war of the United States, or for through passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railroads leading to the said bridge; 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.

Birmingham, Selma and New Orleans Railroad Company may bridge Tombigbee River, Ala.

Proviso.

Lawful structure and post-route.

Postal telegraph.

Secretary of War to approve plans, etc.

SEC. 2. That the plan and location of said bridge, with a detailed map of the river at the proposed site of the bridge and near thereto, exhibiting the depths and currents, shall be submitted to the Secretary of War for his approval, and until he approves the plans and location of said bridge it shall not be built; but upon the approval of

said plan by the Secretary of War the said company or corporation may proceed to the erection of said bridge in conformity with said approved plan, and should any change be made in the plan of said bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War. And there shall be displayed on said bridge from sunset to sunrise such lights or other signals as may be prescribed by the Light-House Board.

Lights, etc.

Amendment.

Changes.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act at any time; and that if at any time navigation of said river shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said railroad company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment; and if upon reasonable notice to said railroad company to make such changes or improvements the said company fails to do so, the Secretary of War shall have authority to make the same at the expense of said company, and all the rights conferred by this act shall be forfeited; and Congress shall have power to do any and all things necessary to secure the free navigation of the said river.

Other companies may use.

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 or cars 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 between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

Secretary of War to decide terms.

Commencement and completion.

SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date thereof.

Approved, July 16, 1888.

July 17, 1888.

**CHAP. 666.**—An act to authorize the construction of a bridge across the Missouri River and to establish it as a post-road.

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

Post, p. 386.

*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.

Free navigation.

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.

Construction.

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 not be less in elevation than fifty feet above extreme high water as understood and determined at the point of location, to the bottom chord of the bridge.

Spans.