

CHAP. 744.—An act authorizing the construction of a bridge across the Ocmulgee River, in the State of Georgia, and for other purposes.

August 6, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress is hereby given to the Americus Preston and Lumpkin Railroad Company, an organization incorporated under the laws of the State of Georgia, its successors or assigns, to construct and maintain a bridge over the Ocmulgee River, in the State of Georgia.

Americus, Preston and Lumpkin Railroad Company may bridge Ocmulgee River, Georgia.

SEC. 2. That said bridge shall be constructed as a draw-bridge, and shall consist of one span of seventy-five feet and a draw-span of one hundred and eighty-four feet. The spans shall not be less than twenty-eight feet above low water mark: *Provided,* That if said bridge shall, in the opinion of the Secretary of War, obstruct the navigation of said stream, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such obstructions shall be removed and alterations made at the expense of the owner or owners of said bridge.

Draw.

Proviso.

Alterations.

SEC. 3. That any 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 the munitions of war of the United States, or passengers or freight passing over said bridges, than the rate per mile paid for the transportation over the railroads or public highways leading to said bridges; and they 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 said postal-telegraph purposes.

Lawful structure and post-route.

Postal telegraph.

SEC. 4. That said bridge shall be built and located under and subject to such regulations for the security of navigation of said rivers as the Secretary of War shall prescribe; and to secure that object said company or corporation shall submit to the Secretary of War a design and drawings of said bridge, for his examination and approval, and a map of its location, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and in all things shall be subject to such rules and regulations as may be prescribed by the Secretary of War; and until said plan and location of said bridge are approved by the Secretary of War the building of said bridge shall not be commenced; and should any change be made in the plan of said bridge, during the progress of the work of construction, such change shall be subject to the approval of the Secretary of War.

Secretary of War to approve plans, etc.

SEC. 5. 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 thereof.

Commencement and completion.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its removal, at the expense of the owners thereof, whenever Secretary of War shall decide that the public interest requires it, is also expressly reserved.

Amendment.

Approved, August 6, 1888.

CHAP. 745.—An act to authorize the construction of a bridge across the Missouri River at Forest City, Dakota, by the Forest City and Watertown Railway Company.

August 6, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Forest City and Watertown Railway Company, a corporation duly organized under the general incorporation laws of the Territory of Dakota,

Forest City and Watertown Railway Company may bridge Missouri River at Forest City, Dak.

its successors and assigns, is hereby authorized to construct and maintain a bridge across the Missouri River at or near Forest City, Potter County, Dakota, and also to lay on and over such bridge a railway track or tracks for the passage of railway trains; and said corporation may construct and maintain ways for wagons, carriages, and foot-passengers, charging and receiving such reasonable tolls therefor as may be approved from time to time by the Secretary of War.

SEC. 2. That said bridge shall be constructed and built without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall not be of less elevation in any case than fifty feet above extreme high-water mark, as understood at the point of location, to be the lowest part of the superstructure of the bridge, nor shall the spans of said bridge be less than three hundred feet in length, and the piers of said bridge shall be parallel with the current of said river, and the bridge itself at right angles thereto, and the main span shall be over the main channel of the river and not less than three hundred feet in length: *And provided, also*, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining span or spans to the draw shall not be less than three hundred feet, and the head-room under such span shall not be less than ten feet above local high-water mark: *Provided, also*, That said draw shall be opened promptly upon reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: *Provided, also*, That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving such plan and map and other information, and upon being satisfied that the bridge built upon such plan, with such accessory works, and at such locality, will conform to the prescribed conditions of this act, to notify the company that he approves the same, and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or accessory works during the progress of the work thereon such change shall be subject likewise to the approval of the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river,

Railway, wagon, and foot bridge.

Secretary of War to approve plans, etc.

Provisos.
Spans.

Draw.

Lights, etc.
Use by other companies.

Terms.

Notification of approval.

Litigation.

caused or alleged to be caused by said bridge, the case may be brought in any circuit court of the United States or any district court of the Territory of Dakota, within whose jurisdiction any portion of said bridge may be located.

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 such 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 across said bridge and its approaches for postal telegraph purposes.

Lawful structure and post-route.

Postal telegraph.

Use by other companies.

SEC. 5. 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.

Terms.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

Amendment.

SEC. 7. 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 thereof.

Commencement and completion.

Approved, August 6, 1888.

CHAP. 746.—An act granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River, near Winona, Emmons County Dakota.

August 6, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Aberdeen, Bismarck and Northwestern Railway Company, a corporation organized under the laws of the Territory of Dakota, is hereby authorized to construct and maintain a bridge across the Missouri River, at such point as may be hereafter selected by said corporation, within ten miles of Winona, Emmons County, Dakota, due regard being had to the public convenience and welfare and to the necessities of business and commerce; and also to construct accessory works to secure the best practicable channel-way for navigation and to confine the flow of the water to a permanent channel at such point; and also to lay on and over such bridge a railway track, for the more perfect connection of any railroads that are or shall be constructed to said river at or opposite said point; and said corporation may construct and maintain ways for wagons, carriages, and for foot-passengers, charging and receiving reasonable toll therefor, as may be approved from time to time by the Secretary of War.

Aberdeen, Bismarck and Northwestern Railway Company may bridge Missouri River near Winona, Dak.

Railway, wagon, and foot bridge.

SEC. 2. That the said bridge shall be constructed without interference with the security and convenience of navigation of said river

Secretary of War to approve plans, etc.