

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, but until such notification has been received, the bridge shall not be commenced or built; should any material change 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. The Secretary may at any time, when in his judgment necessary, require the company owning or controlling said bridge to change the same in any respect, or to entirely remove the structure, all such changes or the entire removal to be at the expense of said company, and if refusal shall be made to comply with his requirements the Secretary of War shall cause such changes to be made, or the entire removal of said bridge, and to cause proceedings to be instituted in the name of the United States in the District court of the United States in whose territorial jurisdiction said bridge or any part thereof is located, for the purpose of recovering from the parties owning said bridge the amount expended in such changes or removal, together with all costs of such litigation.

Changes.

Litigation.

Lawful structure and post-route.

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 highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes in the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge.

Postal telegraph.

SEC. 5. The United States shall have the right of way for postal telegraph across said bridge, and equal privileges in the use of said bridge shall be granted to all telegraph companies.

Commencement and completion.

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 thereof.

Amendment.

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

Approved, August 6, 1888.

August 6, 1888.

CHAP. 756.—An act to authorize the construction of bridges across the Flint and Chattahoochee Rivers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Alabama Midland Railway Company, a corporation existing under the laws of Georgia and Alabama, and having authority to build its line of railroad from a point in the State of Georgia, at or near Bainbridge, to and into the State of Alabama, to a point at or near Montgomery, the capital of said State of Alabama, be, and is hereby, authorized to construct and maintain, for the purpose of making a more perfect connection of its said line, the following railroad bridges, to be used by it, its successors or assigns, for railway purposes, over the rivers and at the localities named following, that is to say: across the Flint River near the city of Bainbridge, in the States of Georgia, at the most suitable and convenient point within one mile of said city of Bainbridge, and across the Chattahoochee River, at or near the town of Gordon, in the State of Alabama, at the most suitable and convenient place and within five miles of said town of Gordon.

Alabama Midland
Railway Company
may bridge Flint River
at Bainbridge, Ga.,
and Chattahoochee
River at Gordon, Ala.

SEC. 2. That any bridge built under this act shall be constructed and built without interference with the security and convenience of navigation of said rivers, or either of them, beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure a compliance with these conditions, the corporation, previous to commencing the construction of the bridges, or of the accessory works in the booms, dikes, or piers designed to secure the best practical channel-way for navigation and confine the flow of the water to a permanent channel, and for the guiding of steam-boats and rafts safely through the draw-spans at said point, shall submit to the Secretary of War a plan of the bridge and of such accessory works, together with a detailed map of the river at the proposed site of the bridge and for a distance of a mile above and below the site, together with all other information touching said bridge and river and accessory works as may be deemed requisite by the Secretary of War to determine whether the said bridge, when built, will conform to the prescribed conditions of this act; that as nearly as practicable the said bridge shall be at right angles to, and the piers parallel with, the current of said river; and should it be found hereafter that the said bridge or accessory works interfere with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted, by reason of any defect or failure in the accessory works aforesaid to accomplish the purpose for which they are designed, it shall be the duty of the Secretary of War to require the necessary changes to be made therein in the interest of navigation, or its entire removal, at the expense of the owners; and if any litigation shall be necessary to collect from such owners the expense of making the necessary changes in said bridge, or of its entire removal, the same shall be had in the district court of the United States in whose territorial jurisdiction said bridge or any part thereof is located: *Provided*, That as to any bridge built under this act, if it be made with unbroken and continuous spans it shall be of such elevation above extreme high water, as understood at the point of location, to the lowest part of the superstructure of the bridge, as the Secretary of War may prescribe, and the spans of said bridge shall also be of such width as may be required by the Secretary of War in the interests of navigation: *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 such height above extreme high-water mark at the point of location, and such width, as may be prescribed by the Secretary of War in considering the requirements of navigation: *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 any railroad 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 any such plans and map and other information, and upon being satisfied that a bridge built on such plan and 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; but until such notification has

Unobstructed navigation.

Aids to navigation.

Piers.

Provisos.
Spans.

Draw.

Lights, etc.
Use by other companies.

Terms.

Secretary of War to approve plans, etc.

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.

Lawful structures
and post-routes.

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.

Postal telegraph.

Commencement and
completion.

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.

Amendment.

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.

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:

To Tuscaloosa.

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.

To occupants.

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