

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 proofs of the parties.

Secretary of War to decide disagreements.

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 their transmission over the railroads leading to said bridge; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

To be a lawful structure and post-route.

Postal telegraph.

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 Congress 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.

Right to amend, etc., reserved.

Approved, March 3, 1887.

CHAP. 336.—An act to give the assent of Congress to the construction of a free bridge by the county of Davidson, Tennessee, over the Cumberland River.

Mar. 3, 1887.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Davidson, in the State of Tennessee, be, and is hereby, authorized to construct and maintain a bridge, and approaches thereto, over the Cumberland River near the city of Nashville and between the Hydes Ferry and Buena Vista Ferry Turnpikes, in the county of Davidson, Tennessee. Said bridge shall be constructed to provide for the free passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers.

Davidson County, Tennessee, may bridge Cumberland River, at Nashville.

Wagon and foot bridge.

SEC. 2. 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, and it shall enjoy the rights and privileges of other post-roads in the United States: *Provided*, That the United States may construct a postal telegraph over said bridge without charge therefor.

To be a lawful structure and post-route.

Postal telegraph.

SEC. 3. That if said bridge shall be made with unbroken and continuous spans, the spans thereof shall not be less than one hundred and sixty-four feet in length in the clear, and the main span shall be over the main channel of the river. The lowest part of the superstructure of said bridge shall be at least thirty-four feet above extreme high-water mark, as understood at the point of location, and the bridge shall be at right angles to and its piers parallel with the current of the river: *Provided*, That if the same shall be constructed as a draw-bridge, the draw or pivot shall be over the main channel at an accessible point, and the spans shall not be less than one hundred and sixty feet in the clear, and the piers of said bridge shall be parallel with and the bridge itself at right angles to the current of the river, and the spans shall not be less than ten feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge: *Provided also*, That the said draw shall be opened promptly by said county upon reasonable signal for the passage of boats; and said county 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. No bridge shall be erected or maintained under the authority of this act

Construction.

Spans.

Proviso.
Draw.

Opening draw.

Lights, etc.

- Free navigation to be maintained. which shall at any time substantially or materially obstruct the free navigation of said river, and if any bridge erected under such authority shall in the opinion of the Secretary of War obstruct such navigation, 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 alterations shall be made and all such obstructions be removed at the expense of said county of Davidson; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the middle district of Tennessee: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the operations of the same.
- Litigation.
- Existing laws not affected.
- Secretary of War to approve plans, etc.
- SEC. 4.** That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said county 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; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War: *And provided further*, That unless the construction of said bridge shall be commenced within one year from the date of the passage of this act and completed within three years from the same date, all rights and privileges granted by this act shall be forfeited and cease.
- Proviso.*
- To be completed in three years.
- Right to amend, etc., reserved.
- SEC. 5.** 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, when ever Congress shall decide that the public interest requires it, is also expressly reserved.

Approved, March 3, 1887.

Mar. 3, 1887.

CHAP. 337.—An act to authorize the construction of bridges across the Great Kanawha River below the Falls, and to prescribe the dimensions of the same.

Bridges across Great Kanawha River, W. Va.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any persons or corporations having lawful authority to erect a bridge or bridges across the Great Kanawha River, in West Virginia, may hereafter erect bridges across said river, for railroad or other uses, upon compliance with the provisions and requirements of this act.

Construction.

SEC. 2. That every bridge erected across the Great Kanawha River, in West Virginia, shall have its axis at right angles to the current at high towing stages, with its piers parallel to this current, and all of its spans shall be through spans. No riprap or other outside protection for insufficient foundations will be permitted around the channel-piers, and all coffer-dams or other temporary works must be removed by the owners of the bridge before it is opened to traffic. Every such bridge shall have at least one channel-span, the center of which shall be in the middle of the channel usually run by descending coal-fleets in high towing stages, said channel-span to have a clear opening of four hundred feet at low-water line. Said channel-span shall be at least twenty-nine

Channel-span.