

of construction thereof, such change shall be subject to the approval of the Secretary of War; and in case of any litigation arising from the obstruction or alleged obstruction caused by said bridge to the free navigation of said river, the cause may be tried before the circuit court of the United States in whose jurisdiction any portion of said bridge is located.

Litigation.

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 rates.

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, upon which also no higher charge shall be made for the transmission over the same of the mails, troops, and the 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 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, etc.

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, or its entire removal when completed shall be made by the corporation owning or controlling the same at its own expense; and if said bridge shall not be commenced in one year and be finished within three years from the passage of this act, the rights and privileges hereby granted shall be null and void.

Commencement and completion.

Approved, June 29, 1888.

**CHAP. 501.**—An act to authorize the construction of a graveled or macadamized road from the city of New Berne, North Carolina, to the national cemetery near said city.

June 20, 1888.

Whereas, there is now no public road leading to the national cemetery, near the city of New Berne, North Carolina, but access to said cemetery can be had only over a private road belonging to and kept open at the discretion of the adjacent land owners; and

Preamble.

Whereas the said land proprietors are willing to donate to the United States the right of way over their said lands from the said city of New Berne to the said national cemetery: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized and directed to construct a good and durable graveled or macadamized road from the city of New Berne, in the State of North Carolina, to the national cemetery, near said city, over such road, and along such route as he may deem proper. And for the purpose of carrying into effect the foregoing provisions of this act, the sum of twenty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated; said

New Berne, N. C. Road from. to national cemetery.

Appropriation.

money to be expended under the direction of the Secretary of War, or so much thereof as may be necessary for said purpose.

Right of way.

SEC. 2. That before any money shall be expended as aforesaid the title to the right of way shall be granted to the United States free of cost.

Approved, June 29, 1888.

June 29, 1888.

**CHAP. 502.**—An act to authorize the construction of a wagon and foot-passenger bridge across the Noxubee River, at or near Gainsville, in the State of Alabama.

Sumter County, Ala.,  
may bridge Noxubee  
River at Gainsville.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the court of county commissioners of Sumter County, Alabama, be, and are hereby, authorized to construct and maintain, if, in the opinion of the Secretary of War the same be a public necessity, a wagon and foot-passenger bridge across the Noxubee River, at a point at or near Gainsville, Alabama; that said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted; and in case of any litigation arising from any obstruction or alleged obstruction to the navigation of said river, the cause may be tried before the circuit court of the United States in and for any district in which any of said bridge obstruction may be. Said bridge shall be constructed to provide for the safe and convenient passage of wagons and vehicles of all kinds, animals, and foot-passengers. And if tolls shall be charged for the passage of wagons or other vehicles, or of animals and foot-passengers, the rates thereof may be fixed by the Secretary of War, on appeal to him for that purpose, and no higher charges shall be made than shall be established by him.

Unobstructed navi-  
gation.

Wagon and foot  
bridge.  
Tolls.

Construction.

Provisos.

Spans.

SEC. 2. That any bridge built under the provisions of this act may, at the option of Sumter County building the same, be built as a draw-bridge or with unbroken and continuous spans: *Provided*, That if the said bridge shall be made with unbroken and continuous spans it shall give clear head-room of not less, in any case, than forty-eight feet above extreme high-water mark as understood at the point of location, nor shall the spans of said bridge give a clear width of water-way of less than seventy-five feet, and the piers of said bridge shall be parallel with the current of said river, and the bridge itself at right angles thereto: *Provided also*, That if the said bridge be built as a draw-bridge, the draw shall be built over the main channel of the river at a convenient and the most accessible point, giving a clear width of water-way of not less than seventy-five feet, and that said draw shall be opened promptly upon reasonable signal for the passage of boats, and said county commissioners shall maintain, at their own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

Draw.

Lights, etc.

Lawful structure and  
post-route.

SEC. 3. That any bridge constructed under this act and according to its limitations shall be a lawful structure and shall be known as a postal-route, and the same is hereby declared to be a post-route, upon which also no higher charge shall be made for the crossing of mails, troops, and munitions of war of the United States, and for freight passing over said bridge, than is charged for the same services from the public, 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.

Postal telegraph.

Secretary of War to  
approve plans, etc.

SEC. 4. That the structure herein authorized shall be built and located under, and subject to, such regulations for the security of the navigation of said river as the Secretary of War shall prescribe and to secure that object the said company or corporators shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving