

be removed at the expense of the owners of said bridge; and in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of the Missouri River at or near the crossing of said bridge, caused, or alleged to be caused, thereby, the case shall be commenced and tried in the district courts of either judicial district of Nebraska or Dakota Territory in which said bridge or any portion of such obstruction touches.

Litigation.

SEC. 4. That any bridge built under this act, and according 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 transportation over the same of the mails, the troops and munitions of war, of the United States than the rate per mile paid for their transportation over the railroads or public highway leading to such 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. Such lights shall be kept upon said bridge as the Light-House Board shall direct, and said bridge shall moreover be provided with all proper safeguards for the security of person and property.

Lawful structure and post-route.

Postal telegraph. Lights, 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 Congress may at any time alter, amend, or repeal this act.

Amendment.

Approved, August 6, 1888.

CHAP. 743.—An act to authorize the construction of a bridge across the Missouri River in Montana.

August 6, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Benton Bridge Company, a corporation existing under the laws of the Territory of Montana, and having authority to construct and maintain a bridge across the Missouri River at or near Fort Benton, in the county of Choteau in said Territory, be, and is hereby, authorized to construct and maintain, for the purpose of making a more perfect crossing of said river at all times during the year, a bridge across the said Missouri River at or near said Fort Benton, to be used by the said company, its successors or assigns, for all purposes of rail and other transportation over said river.

Benton Bridge Company may bridge Missouri River at Fort Benton, Mont.

Railway, etc., bridge.

SEC. 2. That any bridge built under this act shall be constructed and built without material 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 company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and of all accessory works for its protection, and a map of the location, for the space of one-half mile above and the same below the proposed location, showing the topography of the banks of the river, the shore-line at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, 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 building of the bridge shall not be commenced; that the said bridge shall be at right angles to and the piers parallel with the current of said river; and if it be found hereafter that the said bridge or accessory works materially interfere with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and

Secretary of War to approve plans, etc.

<i>Provisos.</i>	<p>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, at the expense of the owners: <i>Provided</i>, That as to any bridge built under this act, if the said bridge shall be built of 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 the lowest part of the superstructure of the bridge, nor shall the spans of said bridge be less than one hundred and twenty feet in length, clear of the piers, and the main spans shall be over the main channel of the river: <i>And provided also</i>, That if any bridge built under the provisions of 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 at any point not less than ten feet above extreme high-water mark at the point of location, and of not less than sixty feet on each side of the central or pivot pier of the draw; and the next adjoining spans shall be not less than one hundred and twenty feet in length: <i>Provided, also</i>, 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 to sunrise, such lights and other signals on said bridge as the Light-House Board may prescribe: <i>Provided, also</i>, That all railway companies desiring to use said bridge shall have, and be entitled to, equal rights and privileges in the passage of 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. The owners of said bridge may also charge and receive reasonable compensation or tolls for the transit over said bridge of all wagons, carriages, vehicles, animals, and foot passengers: <i>Provided</i>, That the Secretary of War may at any time prescribe such rules, regulations, and rates of toll for transit and transportation over said bridge as may be deemed proper and reasonable.</p>
Spans.	
Draw.	
Opening draw.	
Lights, etc.	
Use by railway companies.	
Terms.	
Tolls.	
Regulations.	
Lawful structure and post-route.	
Postal telegraph.	<p>SEC. 3. 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 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 to regulate by appropriate legislation the charges for freight and passengers over said bridge.</p>
Amendment.	<p>SEC. 4. That 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 across said bridge.</p> <p>SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in the said structure or its entire removal at the expense of the owners thereof whenever Secretary of War shall decide that the public interests require it is also expressly reserved.</p>
Commencement and completion.	<p>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.</p>

Approved, August 6, 1888.