

March 2, 1889.

**CHAP. 399.**—An act for the establishment of a light house with fog-bell on Oyster-Beds Shoal, in the Hudson River, New York.

Hudson River, N. Y.  
Light-house estab-  
lished at Oyster-Beds  
Shoal.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a light-house with fog-bell be established at or near Oyster-Beds Shoal, in the Hudson River, opposite Rockland Lake Dock, New York, at a cost not to exceed thirty-five thousand dollars.

Approved, March 2, 1889.

March 2, 1889.

**CHAP. 400.**—An act to authorize the construction of bridges across the Kentucky River.

Kentucky Midland  
Railway Company  
may bridge Kentucky  
River and tributaries.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Kentucky Midland Railway Company, a corporation organized under act of the general assembly of the Commonwealth of Kentucky, be, and it is hereby, authorized to construct and maintain a bridge, and approaches thereto, over the Kentucky River, in the State of Kentucky, and also a bridge or bridges over the tributaries or forks of said river at such point or points as said company may deem suitable for the passage of its said road over said river or its tributaries or forks. Said bridge or bridges shall be constructed to provide for the passage of railway trains, and, at the option of the company by which it or they may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers. But the rates of toll charged for the passage over said bridge of wagons, vehicles, animals, and foot passengers shall be submitted to the Secretary of War and approved by him before said company shall collect such tolls.

Railway, wagon, and  
foot bridges.

Toll

Lawful structures and  
post-routes.

**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 postroads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes.

Postal telegraph.

Secretary of War to  
approve plans, etc.

**SEC 3.** 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 company or corporation 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 thereof; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of construction, such change be subject to the approval of the Secretary of War, and the expense of such change, or of any change required by the Secretary of War in such bridge after its completion shall be paid by the corporation or persons owing or operating said bridge.

Changes.

Use by other com-  
panies.

**SEC 4.** That all railroad companies desiring the use of said bridge or bridges shall have and be entitled to equal rights and privileges relating to the passage of railway trains over the same, and over the approaches thereto, upon the payment or reasonable compensation therefor; and in case the owner or owners of said bridge or bridges and the railroad company or companies desiring to use the same shall fail to agree upon the terms with reference to the use of same, all matters of issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

Compensation.

Decision by Secre-  
tary of War.

SEC 5. That this act shall be null and void if actual construction of the bridge or bridges herein authorized be not commenced within two years and completed within five years from the date thereof Commencement and completion.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved. Amendment.

Approved, March 2, 1889.

**CHAP. 401.**—An act to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri. March 2, 1889.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Leavenworth and Platte County Bridge Company, a corporation duly organized and existing under the laws of the State of Kansas, its successors and assigns, be, and are hereby, authorized to construct and maintain a bridge, and approaches thereto, across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri, at some point at least one-fourth of a mile from any other bridge, to be selected consistent with the interests of river navigation. Said bridge shall be constructed to provide for the passage of railway trains, wagons, and vehicles of all kinds, steam and street cars, animals, foot-passengers, and for all road travel, for such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by said corporation, its successors and assigns, and to be approved from time to time by the Secretary of War. Leavenworth and Platte County Bridge Company may bridge Missouri River at Leavenworth, Kans. Ante, p. 691.

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, 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 railroad or public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post-roads 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. Railway, wagon, and foot bridge.

SEC. 3. That said bridge shall be constructed as a ponton draw-span bridge, and shall contain a ponton draw-span of not less than four hundred feet in length, which draw-span shall be maintained over the main channel of the river at an accessible and navigable point, and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the current of the river: *Provided, also,* That said draw shall be opened promptly by said company, upon reasonable signal, for the passage of boats and rafts, 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. No bridge shall be erected or maintained under the authority of this act 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 the owner or owners of said bridge; 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 district court of the United States of the State of Kansas in which any portion of said obstruction or bridge Toll.

Railway, wagon, and foot bridge.

Toll.

Lawful structure and post-route.

Postal telegraph.

Construction. Draw.

Provisos. Opening draw.

Lights, etc.

Unobstructed navigation.

Litigation.