

building such road, to the Secretary of War, who shall transmit the same to Congress.

SEC. 2. That the sum of ten thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of the United States in carrying out the provisions of this act. *Provided*, That nothing herein shall be construed to bind the Government of the United States to pay for any portion of the right of way for the avenue contemplated by this act.

Appropriation.

Proviso.
No liability to buy right of way.

Approved, February 23, 1889.

CHAP. 208.—An act to establish a life-saving station on the Atlantic coast at or near the mouth of Saint George River, Maine.

February 23, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at or near the mouth of Saint George River, Maine, at such point as the General Superintendent of the Life-Saving Service may recommend.

Life-saving station authorized at St. George River, Maine.

Approved, February 23, 1889.

CHAP. 234.—An act to authorize the Cheyenne Street Railroad Company to build its road on and across the Fort D. A. Russell military reservation.

February 25, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Cheyenne Street Railroad Company, a corporation created and organized under the laws of the Territory of Wyoming, is hereby authorized to build and operate its road on and across the Fort D. A. Russell military reservation in said Territory, on such a line and subject to such restrictions as may be approved by the Secretary of War: *Provided*, That such right of way shall not exceed sixty feet in width, and shall be subject to such change or removal as may be provided by the Secretary of War, at the expense of the said railroad company.

Cheyenne Street Railroad Company granted right of way through Fort D. A. Russell reservation.

Proviso.
Width, etc.

Approved, February 25, 1889.

CHAP. 235.—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.

February 25, 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 be approved from time to time by the Secretary of War.

Leavenworth and Platte County Bridge Company may bridge Missouri River at Leavenworth, Kans.

Post, p. 883.

Railway, wagon, and foot bridge.

Toll.

Lawful structure and post-route.	<p>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.</p>
Postal telegraph.	
Construction.	<p>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: <i>Provided, also,</i> 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 to 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 may be located: <i>Provided further,</i> That nothing in this act shall be so construed as to repeal or modify any of the provisions of the law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same: <i>Provided,</i> That said company may construct a wagon and foot bridge alone, and in case of the construction of a wagon and foot bridge alone the draws shall be of the same length herein provided, and shall be of such construction as shall be approved by the Secretary of War, and shall be subject to all the provisions herein contained in respect to being promptly opened to admit of the unobstructed navigation of said river, and of keeping the same lighted as herein provided in case of railroad and wagon bridge, and in such case the provisions herein in relation to use for railroad purposes shall not apply.</p>
Spans.	
Provisos.	
Opening draw.	
Lights, etc.	
Unobstructed navigation.	
Litigation.	
Existing laws.	
Wagon and foot bridge provisions.	
Use by railroads.	
Compensation.	
Secretary of War to decide.	<p>SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railroad trains or cars over the same and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one 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 matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.</p>
Secretary of War to approve plans, etc.	<p>SEC. 5. 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</p>

and approval, a design and drawings of the bridge, and a map of the location, giving, for the same space of one-half mile above and one-half 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 commenced or 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.

SEC. 6. 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 whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

Amendment.

SEC. 7. 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.

Approved, February 25, 1889.

CHAP. 236.—An act to provide for writs of error or appeals to the Supreme Court of the United States in all cases involving the question of the jurisdiction of the courts below.

February 25, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where a final judgment or decree shall be rendered in a circuit court of the United States in which there shall have been a question involving the jurisdiction of the court, the party against whom the judgment or decree is rendered shall be entitled to an appeal or writ of error to the Supreme Court of the United States to review such judgment or decree without reference to the amount of the same; but in cases where the decree or judgment does not exceed the sum of five thousand dollars the Supreme Court shall not review any question raised upon the record except such question of jurisdiction; such writ of error or appeal shall be taken and allowed under the same provisions of law as apply to other writs of error or appeals except as provided in the next following section.

Jurisdiction of circuit courts.

R. S., sec. 639, p. 131.

Appeal or writ of error to Supreme Court without reference to amount.

Only jurisdiction to be reviewed.

SEC. 2. That in cases of judgments or decrees mentioned in the first section of this act, and heretofore rendered, where the period of limitation for taking writs of error or appeals in other cases has not expired, appeals or writs of error may be sued out at any time within one year after the passage of this act.

Limitation.

Approved, February 25, 1889.

CHAP. 237.—An act granting right of way to the Pima Land and Water Company across Fort Lowell military reservation, in Arizona, and for other purposes.

February 25, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Pima Land and Water Company, a corporation duly organized under the laws of the Territory of Arizona, is hereby granted the right of way, five hundred feet in width, for their aqueduct and irrigating canal to, from, across, through, and out of the Fort Lowell military reservation, and the right to construct dams, water-ways, and canals for the purpose of developing water and for the purpose of storing the

Pima Land and Water Company granted right of way through Fort Lowell reservation.