

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 shall be brought in the district court of the United States, of the State of Tennessee in which any portion of said obstruction or bridge may be located.

Litigation.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulation 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 said bridge, and a map of the location, giving, for the space of two miles above and two miles below the proposed location, the topography, of the banks of the river, the shore lines at high and low water, the directions and strength of the currents 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 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.

Secretary of War to approve plans, etc.

Changes.

SEC. 6. That all railroad companies desiring the use of any bridge constructed under this act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of 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 proof of the parties.

Use by other companies.

Terms.

SEC. 7. That it shall not be obligatory on said company in constructing said railroad bridge to so construct the same for the passage of road vehicles or foot passengers but may as in this act provided, construct the same only as a railroad bridge if said company so decides; but in case the said bridge is constructed for the passage of common road vehicles and foot passengers, said company shall have no right to charge tolls on the same for a longer period than fifteen years, and then the same for such travel shall be free. But in charging tolls, no charge shall be in excess of the amounts here stated, to wit: Footmen, five cents each; single horse conveyance, including conveyances for people, twenty cents each; double-horse conveyances, thirty cents; four horse conveyances, drawn by horses or oxen, fifty cents; horses with riders, ten cents; horses and cattle loose or led, six cents each; sheep and hogs, four cents each; turkeys, one cent each.

May be only railway bridge.

Tolls.

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved, without any liability of the United States for damages on account of the alterations, amendments, or repeal of this act. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed in three years from date hereof.

Amendment, etc.

Commencement and completion.

Approved, June 6, 1892.

**CHAP. 108.**—An act to authorize the Illinois and Iowa Railway and Terminal Company to build a bridge across the Mississippi River at Moline, Illinois.

June 8, 1892.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Illinois and Iowa Railway and Terminal Company, a corporation duly created and existing under the laws of the State of Iowa, its successors or assigns, be, and they are hereby, authorized to construct and maintain a bridge and*

Illinois and Iowa Railway and Terminal Company may bridge Mississippi River at Moline, Ill.

approaches thereto over the Mississippi River from a point at or near the eastern boundary of the city of Moline, in the county of Rock Island, in the State of Illinois, to the opposite shore of said river in the State of Iowa: *Provided*, That a location is found within such limits suitable to the interests of navigation. Said bridge shall be constructed to provide for the passage of railway trains, and at the option of said corporation, its successors or assigns, may be so constructed to provide for and be used also for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers for reasonable rates of toll to be fixed by said corporation, its successors or assigns; and the Secretary of War shall have the right, from time to time, to revise, prescribe and determine such rates of toll.

SEC. 2. That any bridge built under the provisions of this act may, at the option of the said company building the same, be built as a drawbridge or with unbroken, continuous spans: *Provided*, That if said bridge shall be constructed as a drawbridge, the same shall be constructed as a pivot drawbridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans giving a clear width of water way of not less than two hundred feet on each side of the central or pivot pier of the draw, and the next adjoining span or spans to the draw shall give a clear width of water way of not less than three hundred and fifty feet, and every part of the structure shall give a clear head room of not less than ten feet above extreme high-water mark: *Provided*, That all spans shall be so located as to afford the greatest possible accommodations to the river traffic, and a draw shall be, if practicable, as near the shore as the deepest water way will permit: *Provided, also*, That in case of a low bridge, if the physical characteristics so require, and the interests of navigation be not injured thereby, the length of the fixed spans may be reduced: *Provided further*, That the piers of said bridge shall be parallel with the current of the river where said bridge shall be erected: *And provided also*, That said draw shall be opened promptly, upon reasonable signal, for the passage of boats, except when trains are passing over the draw; but in no case shall unnecessary delay occur in opening the said draw during or after the passage of trains: *And provided further*, That if any bridge built under the provisions of this act shall be constructed with unbroken, continuous spans, it shall have one or more channel spans, each having not less than three hundred and fifty feet clear channel way and not less than fifty-five feet clear head room above high-water mark; and the clear head room under other than channel spans may be less than fifty-five feet, but no part of the superstructure of such spans shall in any case give a less head-room than ten feet above high-water mark: *And provided further*, That the interests of navigation be not injured by such reduction in height, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of said river and give a clear width of water way of not less than three hundred and fifty feet.

SEC. 3. That the company constructing a bridge under the provisions of this act be, and it is hereby, authorized to lay on said bridge a railway track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to said river on either or both sides thereof, at or opposite the point of location of said bridge, under the limitations and conditions herein: *Provided*, 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 free 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 portion of said bridge or obstruction touches.

SEC. 4. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known as a post

*Proviso.*

Location.

Railway, etc., bridge.

Tolls.

Construction.

*Provisos.*

Drawbridge.

Spans.

Low bridge.

Piers.

Opening draw.

Channel spans.

Railway tracks.

*Proviso.*

Unobstructed navigation.

Litigation.

Lawful structure and post route.

route, and the same is hereby declared to be a post route, upon which, also, no higher charges shall be made for the transmission over the same of the mails, the troops, the munitions of war of the United States, or for passengers or freight passing over said bridge, than the rate per mile paid for transportation over the railroads and public highways 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 for postal telegraph purposes across said bridge.

Postal telegraph.

SEC. 5. That all railways desiring to use said bridge shall be entitled to equal rights and privileges in the passage of the same, and in the use of 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.

Use by other companies.

Terms.

SEC. 6. That the structure hereby 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 corporation shall submit to the Secretary of War for his examination and approval, a design of the bridge and map of 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 current 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 shall be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are decided by the Secretary of War to be such as will not materially affect the interests of navigation, the bridge shall not be commenced or built; and should any change be made in the plans of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War; and the bridge shall be constructed with such aids to the passage of said bridge in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent channel, and for the guiding of rafts, steamboats, and other water craft safely through the draw and raft spans, as the Secretary of War shall order at any time to be constructed and maintained, at the expense of the company owning said bridge; and said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge from the hours of sunset to sunrise such lights or other signals as may be prescribed by the Light-House Board; and the said structure shall be changed or altered at the cost and expense of the owners thereof from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation and modification by law, when the public good in the judgment of Congress or the Secretary of War so requires, without any expense or charge to the United States.

Secretary of War to approve plans, etc.

Changes.

Aids to navigation.

Lights, etc.

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.

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Amendment, etc.

Approved, June 8, 1892.