

June 6, 1892.

CHAP. 92.—An act granting to the Topeka Water and Electric Power Company of Kansas the right to erect and maintain a dam or dams across the Kansas River, within Shawnee County, in the State of Kansas.

Topeka Water and Electric Power Company may dam Kansas River.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress is hereby given to the Topeka Water and Electric Power Company, a corporation created and organized under the laws of Kansas, its successors and assigns, to erect, construct, and maintain a dam or dams across the Kansas River at any suitable place or places within Shawnee County, in the State of Kansas.

Amendment, etc.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Approved, June 6, 1892.

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CHAP. 93.—An act to authorize building a bridge over Tennessee River.

Saint Louis and Birmingham Railway Company may bridge Tennessee River at Clifton, Tenn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Saint Louis and Birmingham Railway Company, a corporation created and organized under the laws of the State of Tennessee, be, and is hereby, authorized to construct and maintain, for the purpose of running railway trains, also for passage of all kinds of road vehicles, wagons, carts, and conveyances for passengers, and for foot passengers, if said railroad company may desire to so do a bridge over the Tennessee River at a point on said river known as Clifton, in Wayne County, in the State of Tennessee or within two miles either above or below said point as said company may determine.

Railway, etc., bridge.

Lawful structure and post route.

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 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 passing over said bridge than the rate per mile paid for transportation over the railroad leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and it shall enjoy the rights and privileges of other post roads in the United States.

Drawbridge.

SEC. 3. That the bridge built under this act shall be constructed as a pivot drawbridge, with a draw over the main channel of the river at an accessible and best navigable point, and with spans not less than one hundred and sixty feet in length in the clear at low water mark on each side of the channel or pivot pier of the draw, and said span shall not be less than ten feet above extreme high-water mark, measuring to the lowest part of the superstructure of the bridge; and the piers of said bridge shall be parallel to and the bridge itself at right angles to the current of the river at the average stage of water where said bridge may be erected: *Provided also,* That in said bridge there shall be one span of not less than three hundred feet in length in the clear at low water mark; that said draw shall be opened promptly by said company, upon reasonable signal, for the passage of boats or vessels, and said corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals as the Light-House Board shall prescribe.

Proviso.

Span.

Opening draw.

Lights, etc.

Unobstructed navigation.

SEC. 4. That 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 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 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.