

Proviso.
Elevated structure
not to be taxed as real
estate.
Amendment, etc.

shall be taxed as other real estate in the District: *Provided*, That its tracks and elevated railway structure shall not be taxed as real estate.

SEC. 8. That Congress may at any time amend, alter, or repeal this act.

Approved, July 29, 1892.

July 29, 1892.

CHAP. 323.—An act to prohibit the use of "one horse" cars within the limits of the city of Washington after the first day of January, eighteen hundred and ninety-three, and for other purposes.

District of Columbia.
One horse cars in
Washington prohib-
ited.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the first day of January, eighteen hundred and ninety-three, it shall be unlawful for any street railway company owning or operating any line of street railway within the limits of the city of Washington, or the greater part of which lines lies within said city limits, to use upon such road any "one horse" cars. After said date, all cars used within the said limits shall, if drawn by horse power, be of the size and style known as "two horse cars," and each car shall be in the charge of a conductor, and such conductor shall not act as a driver: *Provided* this act shall not apply to any company operating street railways outside the limits of the city of Washington or through unimproved and sparsely settled sections of the same, until such time as the Commissioners of the District of Columbia shall deem necessary for the public needs, Any railroad company violating the provisions of this act shall be subject to a fine of twenty-five dollars per day for each car, and for every day it may be so operated, to be recoverable by action instituted in the name of the Commissioners of the District of Columbia in any court of competent jurisdiction within the District, and all fines collected on such account shall, when collected, be paid into the Treasury for the use of the District of Columbia, It is hereby made the duty of the Commissioners of said District to see that this act is strictly enforced.

Approved, July 29, 1892.

Proviso.
Railways in sparsely
settled sections, etc.

Penalty for viola-
tions.

Enforcement.

July 30, 1892.

CHAP. 327.—An act to authorize the construction of a bridge over the Tennessee River at or near Deposit, Alabama.

Gurleys and Paint
Rock Valley Railroad
Company may bridge
Tennessee River at
Deposit, Ala.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Gurleys and Paint Rock Valley Railroad Company, of Alabama and Tennessee, a corporation duly and legally incorporated under the laws of the States of Alabama and Tennessee, its successors or assigns, to construct and maintain a bridge over the Tennessee River at or near Deposit, in Marshal County, Alabama. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the persons by whom it 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, for such reasonable rates of toll as may be approved from time to time by the Secretary of War.

Railway, etc., bridge.

Lawful structure
and post route.

SEC. 2. That any bridge built under the provisions of 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, or passengers or freight passing over the said bridge, 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 the United States shall have the right

of way across said bridge and its approaches for postal telegraph purposes, and all telegraph and telephone companies shall have equal rights and privileges in constructing and maintaining their lines across said bridge.

SEC. 3. That said bridge shall be constructed as a drawbridge; the draw or pivot pier shall be at such point in the channel of the river as the Secretary of War may direct, and the opening or passage way of said draw pier shall be so protected and arranged that water crafts can be worked through it at any and all times; and the draw span shall not be of less width, nor shall the lowest part of same be of less elevation above high water, than are the widest and highest of those authorized by Congress for any bridge over the Tennessee River; and the piers of said bridge shall be parallel with and the bridge itself at right angles to the current of the river: *Provided*, That in said bridge there shall be one span of not less than three hundred feet in the clear: *Provided also*, That said draw shall be opened promptly upon reasonable signals for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset until sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under authority of this act which at any time substantially or materially obstructs 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 cause may be brought in the circuit court of the United States or the State of Alabama in whose jurisdiction any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or exempt this bridge from the operation of the same.

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 railway trains over the same, and over approaches thereto, upon payment of a reasonable compensation for such use, and in case the owner or owners of said bridge and several railroad companies, or any 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.

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 shall submit to the Secretary of War for his examination and approval a design and drawing of the bridge, and a 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 directions and strength of currents at all stages, and 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 built, and if any change is required by the Secretary of War in the plan of said bridge whilst the same is in

Postal telegraph.

Drawbridge.

Draw span.

Provided.
Length of span.

Opening draw.

Lights, etc.

Changes, etc.

Litigation.

Existing laws not affected.

Use by other companies.

Compensation.

Secretary of War to approve plans, etc.

progress of construction, or after its completion, or if the entire removal of said bridge is required by him at any time, the cost of such change or removal shall be paid by the company owning or controlling said bridge.

Amendment, etc.

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

Commencement and completion.

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 hereof.

Approved, July 30, 1892.

July 30, 1892.

CHAP. 328.—An act to provide for the examination and promotion of enlisted men of the Army to the grade of second lieutenant.

Army.
Promotion of enlisted men to second lieutenantcies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to prescribe a system of examination of enlisted men of the Army, by such boards as may be established by him, to determine their fitness for promotion to the grade of second lieutenant: *Provided,* That all unmarried soldiers under thirty years of age, who are citizens of the United States, are physically sound, who have served honorably not less than two years in the Army, and who have borne a good moral character before and after enlistment, may compete for promotion under any system authorized by this act.

Proviso.
Qualifications.

Examination board.

SEC. 2. That the members and recorder of such boards as may be established by the President, under the provisions of the preceding section, shall be sworn in every case to discharge their duties honestly and faithfully; and the boards may examine witnesses, and take depositions, for which purposes they shall have such powers of a court of inquiry as may be necessary.

Filling vacancies in grade of second lieutenant.

Vol. 20, p. 150.

SEC. 3. That the vacancies in the grade of second lieutenant heretofore filled by the promotion of meritorious non-commissioned officers of the Army, under the provisions of section three of the act approved June eighteenth, eighteen hundred and seventy-eight, shall be filled by the appointment of competitors favorably recommended under this act, in the order of merit established by the final examination. Each man who passes the final examination shall receive a certificate of eligibility, setting forth the subjects in which he is proficient and the especial grounds upon which the recommendation is based: *Provided,* That not more than two examinations shall be accorded to the same competitor.

Certificates of eligibility.

Proviso.

Effect of court-martial.

SEC. 4. That all rights and privileges arising from a certificate of eligibility may be vacated by sentence of a court-martial, but no soldier, while holding the privileges of a certificate, shall be brought before a garrison or regimental court-martial or summary court.

Repeal.
Vol. 20, p. 150.

SEC. 5. That sections three and four of the act approved June eighteenth, eighteen hundred and seventy-eight, providing for the promotion of meritorious noncommissioned officers, be, and the same are hereby, repealed.

Approved, July 30, 1892.

July 30, 1892.

CHAP. 329.—An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Denison and Northern Railway Company may construct railway, etc., line through Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Denison and Northern Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping,