

February 21, 1902.

[Public, No. 17.]

CHAP. 26.—An Act To authorize the construction of a bridge over the Missouri River at or near the city of Saint Joseph, Missouri.

Missouri River,
Chicago, Rock Is-
land and Pacific Rail-
way Company may
bridge, at St. Joseph,
Mo.

Railway wagon,
and foot bridge.

Litigation.

Lawful structure
and post route.

Telegraph, etc.,
rights.

Construction.
High bridge.

Provisos.
Drawbridge.

Opening draw.

Lights, etc.

Use by other com-
panies.
Compensation.

Secretary of War to
approve plans, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chicago, Rock Island and Pacific Railway Company, a corporation existing under the laws of the States of Illinois and Iowa, be, and is hereby, authorized to construct, operate, and maintain a bridge over the Missouri River at or near the city of Saint Joseph in said State of Missouri. 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; and in case of any litigation concerning any alleged obstruction to the free navigation of said river on account of said bridge the cause may be tried before the circuit court of the United States in whose jurisdiction any portion of said obstruction or bridge is located.

SEC. 2. That any bridge constructed under this Act and according 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 for the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over railroads or public highways leading to said bridge; and the United States and all companies and individuals shall have the right of way for telegraph, postal telegraph, and telephone purposes across said bridge.

SEC. 3. That if said bridge shall be made with unbroken and continuous spans it shall not be of less elevation in any case than fifty feet above high-water mark, as understood at the point of location, to the lowest member of the bridge superstructure, and shall have at least one channel span of not less than four hundred feet clear channel way, all other spans over the waterway to have a clear channel way of not less than three hundred feet, and the piers of said bridge shall be parallel with the current of said river, and the bridge itself at right angles thereto as near as may be: *Provided,* That if said bridge be constructed as a drawbridge, it shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and the best navigable point, and with spans of not less than two hundred feet in length in the clear on each side of the central or pivot pier of the draw; and said spans shall not be less than ten feet above extreme high-water mark, measuring to the lowest member of the bridge superstructure: *And provided also,* That said draw shall be opened promptly upon reasonable signal, except when trains are passing over the draw span, for the passage of the boats; but in no case shall unnecessary delay occur in opening the said draw after the passage of trains; and the 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.

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 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 or 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