AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

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 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.

Secretary of War to decide terms.

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 and approval, a design and drawings of the bridge, and a map of the 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 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 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; and if said bridge is not commenced within two years, and completed within four years from the passage of this act, the rights and privileges hereby granted shall be null and void.

Secretary of War to approve plans, etc.

Commencement and completion.

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.

Approved, July 16, 1888.

CHAP. 627.—An act to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Clinton, Iowa.

July 16, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clinton and Illinois Bridge Company, a corporation organized and existing under the laws of the State of Iowa, its successors and assigns, be, and they are hereby, authorized to construct and maintain, if in the opinion of the Secretary of War the same be a public necessity, a railroad, wagon, and foot-passenger bridge across the Mississippi River, at a place suitable to the interests of navigation, at a point at or near the city of Clinton, Iowa, and to lay on or over said bridge a 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 said point, under the limitations and conditions hereinafter provided; that said bridge shall not interfere with the free navigation of said river, 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 whose jurisdiction any portion of said bridge or obstruction may be. Said bridge shall be constructed to provide for the passage of railroad trains, and for the safe and convenient passage of wagons and vehicles of all kinds, animals, and foot-passengers, for such reasonable rates of toll as may be fixed from time to time by the Secretary of War: *Provided*, That the proviso regarding wagons, animals, foot-passengers, and so

Clinton and Illinois Bridge Company may bridge Mississippi River at Clinton, Iowa.

Free navigation.

Railway, wagon, and foot bridge.

Proviso.

Location. forth, shall not influence the location of said bridge in its relation to the interests of navigation.

Construction. SEC. 2. That any bridge built under the provisions of this act may, at the option of the company building the same, be built as a pontoon draw-bridge or with unbroken and continuous spans: *Provided*, That if the said bridge shall be made with unbroken and 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:

Provisos.
Spans.

Height, etc. *Provided*, That no part of the superstructure of such spans shall 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 and the bridge itself at right angles thereto: *And provided further*, That if any bridge built under the provisions of this act shall

Draw. be constructed as a draw-bridge, and shall have two or more draw-openings, each having not less than two hundred feet clear channel-way; and in addition to said draw-openings shall have one or more fixed channel spans, each having not less than three hundred and fifty feet clear channel-way; and every part of the superstructure shall have a clear head-room of not less than ten feet above high-water mark: *Provided*, That all spans of both high and low bridges shall be so located as to afford the greatest possible accommodation to the river traffic, and a draw-opening of low bridges shall, if practicable, be located next or near shore: *Provided, also*, That in case

Low bridge. of a low bridge, if the physical characteristics of the locality so require and the interests of navigation be not injured thereby, the lengths of fixed spans or the number of draw-openings may be reduced: *Provided, also*, That for any two adjacent draw-openings of two hundred feet each, one draw-opening of three hundred feet may be substituted if the interests of navigation be not injured thereby:

Opening draw. *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*

Limitations, etc. *provided further*, That if any bridge built under the provisions of this act shall be constructed as a pontoon bridge, it shall be built subject to all the terms, requirements, and limitations contained in the act

Vol. 18, p. 62. entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June sixth, eighteen hundred and seventy-four: *And provided also*,

Pontoon draw. Such bridge may be provided with a pontoon draw giving not less than four hundred feet clear channel-way for each navigable channel of the river, and such other openings for the passage of rafts and logs as, in the opinion of the Secretary of War, may be necessary: *And provided further*, That the pile and pontoon bridge shall be subject to all restrictions as regards plans, location, and accessories provided for in case of high and low bridges so far as they are applicable to such kind of bridge.

Lawful structure and post-route. SEC. 3. That any bridge constructed under this act and according to its limitation shall be a lawful structure, and shall be known as a post-route, and the same is hereby declared to be 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, and for passengers or freight passing over said bridge, than the rate per mile paid for their 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

Postal telegraph. the United States shall have the right of way for postal-telegraph purposes across said bridge.

SEC. 4. That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the 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. Other companies may use. Terms.

SEC. 5. That the structure herein 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 and drawing of the bridge and a map of the 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-line 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 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 plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War; and the said 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 and easily navigated channel, for a distance of not less than one mile above the bridge location, and for the guiding of rafts, steam-boats, and other watercraft safely through the draw and raft spans, as the Secretary of War shall prescribe and order to be constructed and maintained at the expense of the company owning said bridge; and the 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 as may be prescribed by the Light-House Board; and the said structure shall be changed at the cost and expense of the owners thereof, from time to time, or entirely removed, 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 the Secretary of War, so requires, without any expense or charge to the United States. Secretary of War to approve plans, etc. Aids to navigation. Lights.

SEC. 6. That if actual construction of the bridge herein authorized shall not be commenced within one year from the passage of this act, and be completed in three years from the same date, the rights and privileges hereby granted shall cease and be determined. Commencement and completion.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved. Amendment.

Approved, July 16, 1888.

CHAP. 628.—An act to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Muscatine, Iowa. July 16, 1888.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Muscatine Bridge Company, its successors and assigns, be, and they are hereby, authorized to construct and maintain a railroad, wagon, and foot-passenger bridge across the Mississippi River at a place suitable to Muscatine Bridge Company may bridge Mississippi River at Muscatine, Iowa.