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February 13, 1891.

**CHAP. 167.**—An act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebraska.

Interstate Bridge and Street Railway Company may bridge Missouri River near Council Bluffs, Iowa.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Interstate Bridge and Street Railway Company, a corporation duly authorized and existing under the laws of the State of Nebraska, its successors and assigns, be, and are hereby, authorized to construct and maintain a bridge, and approaches thereto, across the Missouri River between the city of Council Bluffs, in the State of Iowa, and the lands of the East Omaha Land Company, at some point at least one-third of a mile from any other bridge, to be selected consistent with the interests of river navigation. Said bridge shall be constructed to provide for the passage of railway trains, wagons, and vehicles of all kinds, street railway cars, motor cars, animals, foot passengers, and for all road travel for such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by said corporation, its successors and assigns, and to be approved from time to time by the Secretary of War. And all railroads and street railways reaching the Missouri River near said point shall be permitted the unobstructed use of said bridge, and the approaches thereto, for engines, cars, and trains in the case of railroads, and for electrical or cable equipments and cars in the case of street railways, at reasonable compensation and rate of toll.

Location.

Railway, wagon, or foot bridge.

Tolls.

Use by other companies.

Terms.

Construction.

SEC. 2. That said bridge shall be constructed in all respects as a first-class railroad bridge, with ample trackage facilities, and with foundations and superstructure of sufficient strength to admit of the safe passage over the same of railway trains of the maximum weight usually drawn over like railway bridges of the first class by the use of locomotives, and said bridge shall not be built or commenced until the plan and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and location of said bridge; and if any change be made in the plan of construction of said bridge at any time such change shall be subject to the approval of the Secretary of War; and any change in the construction, or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War, shall be made at the cost and expense of the owners thereof. That the said bridge shall be constructed without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the the rights and privileges hereby granted, and in order to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, a design of and drawings for said bridge, and a map of the proposed location, giving, for the space of one mile above and one mile below such proposed location, the high and low water lines upon the banks of the river, the direction and strength of the currents at all stages of the water, with soundings accurately showing the bed of the stream and the location of any other bridge or bridges, such maps to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge; and shall furnish such other information as may be required for a full understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the construction of said bridge shall not be commenced.

Secretary of War to approve plans, etc.

Change in plan.

Structural changes, etc.

Security of navigation.

Designs, maps, etc.

Pivot draw.

Openings at draw.

SEC. 3. That said bridge shall be constructed as a pivot draw-bridge, with one draw span affording two clear openings of not less than two hundred feet each, which draw span shall be maintained over the main channel of the river at an accessible and navigable point and with a fixed span or spans each not less than three hundred feet in length in the clear; and the head room under such spans shall

Fixed spans.

Head room.

not be less than ten feet above the standard high-water grade line established by the Missouri River Commission in eighteen hundred and eighty-nine and now in force; and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the current of the river: *Provided, also*, That said draw shall be opened promptly by said company, upon reasonable signal, for the passage of boats and rafts, and said company or corporation shall maintain at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: *Provided further*, That the said Interstate Bridge and Street Railway Company shall, at its own expense, build and maintain, under the direction and supervision of the Secretary of War, such wing dams and booms or other works necessary to maintain the channel within the draw span of said bridge, and shall, at their own expense, maintain a depth of water through said draw span not less than that now existing, as shown by the report of the War Department, at the point where said bridge may be located; and if said Interstate Bridge and Street Railway Company shall fail to maintain such channel as aforesaid, then the Secretary of War may cause said channel to be opened and maintained at proper depth for navigation through said span at the expense of the owners of said bridge.

Piers, etc.

*Provisos.*

Opening of draw.

Lights, etc.

Wing dams, etc.

Depth of water at draw.

Failure to maintain channel.

SEC. 4. That the Secretary of War is hereby authorized and directed, upon receiving such plan and other information, and upon being satisfied that a bridge so built will conform to the requirements of this act, to notify the company or corporation authorized to build the same that he approves of the same; and upon receiving such notification, the said company or corporation may proceed to erect said bridge, conforming strictly to the approved plan and location, and should any change be made in the plan of the bridge or accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

Notification of approval of plans, etc.

SEC. 5. 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 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 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 equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

Lawful structure and post route.

Use by telegraph, etc., companies.

Postal telegraph.

SEC. 6. That all railroad and street railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railroad trains or cars 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 or street railway 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 proofs of the parties.

Use by other railway, etc., companies.

Terms.

Disagreement.

Determination by Secretary of War.

SEC. 7. That Congress shall have the power at any time to alter, amend, or repeal this act, and the Secretary of War, whenever he shall deem it necessary, may cause the owners of said bridge to remove all material and substantial obstructions to the navigation of said river by the construction of said bridge and its accessory works, or to prevent such obstruction; and the expense of altering said bridge or removing such obstructions shall be paid by the owners of such bridge.

Amendment, etc.

Obstructions to navigation.

Commencement and completion.

SEC. 8. That this act shall be null and void if construction of said bridge shall not be commenced on or before the first day of January, eighteen hundred and ninety-two, and be completed on or before the first day of July, eighteen hundred and ninety-three.

Approved, February 13, 1891.

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February 13, 1891.

**CHAP. 168.**—An act to give consent of Congress to the construction of a bridge over the Duck River in Humphreys County, Tennessee.

The county of Humphreys, Tenn., may bridge Duck River in Humphreys County, Tenn.

Location.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress is hereby given to the county of Humphreys, in the State of Tennessee, to construct and maintain a bridge and approaches thereto over the Duck River, at or near the present crossing of any public road leading from Waverly to Bakerville, in the said county of Humphreys, Tennessee. Said bridge shall be constructed to provide for the free passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers.

Free wagon and foot 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, and it shall enjoy the rights and privileges of other post-roads in the United States: *Provided*, That the United States may construct a postal telegraph over said bridge without charge therefor.

*Proviso.*

Postal telegraph.

Security of navigation.

SEC. 3. 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 county 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 the said bridge shall be at all times so managed and kept as to offer reasonable and proper means for the passage of vessels through or under said bridge; and to secure the safe passage of vessels at night there shall be displayed on said bridge, from sunset to sunrise, such lights or other signals as may be prescribed by the Light-House Board.

Maps, designs, etc.

Secretary of War to approve location, etc.

Change of plan.

Passage of vessels.

Lights, etc.

Amendment, etc.

Structural changes, etc.

SEC. 4. 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 Congress shall decide that the public interest requires it, is also expressly reserved.

Commencement and completion.

SEC. 5. 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, February 13, 1891.