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are hereby, authorized and empowered to draw, by canal, flume, or race, from the Missouri River, at or near a point about eight miles above Creve Coeur Lake, in the county of Saint Louis, in the State of Missouri, such supply of water as may be necessary or required for the purposes of said corporation, and to conduct and discharge said water not otherwise used at a point on the Meramec River in the neighborhood of Meramec Highlands, in the county of Saint Louis and State of Missouri; also to erect, construct, operate, and maintain for that purpose such dams (including a weir dam in the Missouri River at the head of said canal), regulating devices, locks, and other structures and improvements as may be required: *Provided*, That such withdrawal and discharge at any time of water shall not be so great as to interfere with the navigation of said Missouri or Meramec River: *And provided further*, That said corporation shall submit detailed plans showing the location and method of constructing said dams, devices, locks, and other structures and canal to the Secretary of War for his consideration and approval, and until the plans and location of the work herein authorized, so far as they affect the navigation of said rivers, shall have been approved by the Secretary of War they shall not be commenced or built.

Provisos.
Unobstructed navigation.

Secretary of War to approve plans, etc.

Time of construction.

SEC. 2. That unless the work herein authorized be commenced within one year and completed within five years from the date hereof the privileges granted shall cease and determine.

Amendment.

SEC. 3. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 10, 1902.

March 10, 1902.
[Public, No. 30.]

CHAP. 142.—An Act To authorize the construction of a bridge over the Missouri River at or near the city of Kansas City, Missouri.

Missouri River.
Chicago, Rock Island and Pacific Railway Company may bridge at Kansas City, Mo.

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, its successors and assigns, be, and are hereby, authorized to construct, operate, and maintain a bridge over the Missouri River at or near the city of Kansas City, 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.

Railway, wagon, and foot bridge.

Litigation.

Lawful structure and post route.

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.

Postal telegraph, etc.

Construction.
High 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-two feet above the high-water grade line for bridges as established by the Missouri River Commission, nor shall any of its spans over the waterway be less than four hundred feet in the clear between the piers or

the piers and abutments, 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 drawbridge, with a draw over the main channel of the river at an accessible and the best navigable point, and with spans of such clear width of opening as the Secretary of War shall prescribe, and the next adjoining spans to the draw shall also be of such length as he shall prescribe; 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 drawspan, for the passage of 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, its successors and assigns, shall maintain, at their own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe: *Provided further*, That after the completion or during the construction of said bridge, if in the opinion of the Secretary of War it is necessary for the safety and convenience of navigation under said bridge to build accessory works, such as dikes, booms, or other structures, in order the more effectually to preserve the free navigation of the river, such structures as may receive the approval of the Secretary War shall be built and maintained by the owners of said bridge.

Provisos.
Drawbridge.

Opening draw.

Lights.

Aids to navigation.

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.

Use by other companies.
Compensation.

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 on 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 current 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 or after completion such change shall be subject to the approval of the Secretary of War; and said bridge shall be changed at the cost of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

Secretary of War to approve plans, etc.

Changes.

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

Amendment.

SEC. 7. That this Act shall be null and void unless the construction of the bridge hereby authorized shall be commenced within two years and be completed within four years from the date of the approval of this Act.

Time of construction.

Approved, March 10, 1902.