

shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said bridge company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment.

Draw.
Lights.
Commencement and completion.

SEC. 4. That the draw provided for the bridge herein authorized to be constructed shall be opened promptly, upon reasonable signal, for the passing of boats, and said 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; and if actual construction of the bridge herein authorized shall not be commenced within one year from the passage of this Act and be completed within three years from same date the rights and privileges hereby granted shall cease and be determined.

Approved, February 26, 1901.

February 27, 1901.

CHAP. 613.—An Act Amending an Act entitled "An Act authorizing the construction of a bridge over the Mississippi River to the city of Saint Louis, in the State of Missouri, from some suitable point between the north line of Saint Clair County, Illinois, and the southwest line of said county," approved March third, anno Domini eighteen hundred and ninety-seven.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of said Act be amended to read as follows: "That the consent of Congress is hereby given to the East Saint Louis and Saint Louis Bridge and Construction Company, of the city of East Saint Louis, of the county of Saint Clair and State of Illinois, a corporation organized under the laws of the State of Illinois, its assigns, successors, grantees, mortgagees, representatives, and successors in interest, to build, own, operate, and maintain a bridge and approaches thereto, as hereinafter described, across the Mississippi River, from some point between the north line of Saint Clair County, Illinois, and the southwest line of said county to the city of Saint Louis, State of Missouri: *Provided*, That the plan of said bridge be approved by the Secretary of War: *Provided also*, That said proposed bridge shall be constructed for the purpose of providing for the passage of wagons, vehicles, street cars, animals, and foot passengers, and shall, at the option of the said East Saint Louis and Saint Louis Bridge and Construction Company, be so constructed of sufficient strength and dimensions as to provide for the passage over it of railway, passenger, and freight trains and the accommodation of a track or tracks therefor, but in either event the piers of said bridge shall be built of sufficient strength to admit of the passage of railway, freight, and passenger trains over it, and said bridge shall be deemed and taken as a public highway for the purposes named only, subject to the provisions hereinafter set forth: *Provided also*, That street and other railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of cars over the same and over the approaches thereto, and in case the owner or owners of said bridge and the railway companies, or any of them, desiring such use shall fail to agree upon the 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 hearing the allegations and proofs of the parties in question."

Bridge of East St. Louis and St. Louis Bridge and Construction Company over Mississippi River, St. Louis, Mo.
Vol. 29, p. 685, amended.

Provisos.
Secretary of War to approve plans.
Transit, etc.

Use by street railways.

Lawful structure, and post route.

SEC. 2. That section two of said Act be amended so as to read as follows: "That any bridge built under this Act shall be a lawful structure and shall be recognized and known as a post route; that no charge shall be made for the transmission over the same of the mails, troops,

and the munitions of war of the United States, 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."

Telegraph, etc., companies.

SEC. 3. That section three shall be so amended as to read as follows: "That in case the said bridge shall be built below the bridge heretofore constructed and known as the Eads Bridge it shall be built with an unbroken and continuous single span, and the lowest part of said span shall not be of less elevation in any case than seventy-five feet above the Saint Louis city directrix; and in case the said bridge shall be built above the said Eads Bridge, and immediately north thereof with the piers of the same opposite those of the Eads Bridge, so that they may be continuous thereto with three fixed channel spans giving the same clear width of waterway between piers as there is now between those of the Eads Bridge, and the said East Saint Louis and Saint Louis Bridge and Construction Company shall have the option of constructing said proposed bridge at or near the foot of Mullanphy street, in the city of St. Louis, but in that case there shall be at least three fixed channel spans, the west span to have a clear waterway of seven hundred feet and the other two channel spans to have a clear waterway of five hundred feet, each measured at right angles to the current at any and all stages of water; and the lowest part of said spans shall not be of less elevation in any case than fifty feet above the Saint Louis city directrix, plus the slope of the river from the foot of Walnut street, in the city of Saint Louis, to the point where the bridge shall be built; and the piers of the said bridge shall be parallel with the current of the river: *Provided*, That all shore piers and bridge approaches shall be so located and constructed as not to interfere with the use of any existing railroad right of way, depot grounds, or railroad yards."

Construction. Below Eads Bridge.

—above.

Spans.

Proviso. Existing railroad rights unimpaired.

Piers.

SEC. 4. That section four of said Act shall read as follows: "That the piers of all high channel spans shall be built parallel with the current of the river at the stage of the water which is most important to navigation; and riprapping or any other protection for imperfect foundations which will materially lessen the waterway or which may injure navigation shall not be employed in the channel ways of the high spans, and any piers which will produce cross currents or bars dangerous to navigation shall not be constructed; and if, after construction, any piers or protection walls are found to produce the above-mentioned effects, the nuisance shall be abated or corrected by or at the expense of the persons owning said bridge; and the approaches to the channel spans mentioned in this Act shall provide sufficient waterway for the passage of floods."

SEC. 5. That section five of said Act be so amended as to read as follows: "That the persons owning, controlling, or operating the bridge authorized by this Act shall maintain, at their own expense, from sunset to sunrise throughout the year and during the heavy fogs, such lights or other signals as the Government Light-House Board shall prescribe, and shall also each day during the season of navigation have posted in a conspicuous place the clear headroom under the channel span on that day, the figures expressing this height to be readily visible to the naked eye from any point in the channel of the river for a stretch of four thousand feet, of which three thousand feet shall be above and one thousand feet shall be below the channel spans of the bridge."

Lights.

Headroom notices.

SEC. 6. That section six of said Act shall be amended to read as follows: "That no bridge shall be constructed, erected, or maintained under the authority of this Act which shall at any time substantially or materially obstruct the navigation of said river; and if any bridge

Unobstructed navigation.

erected under such authority shall, in the opinion of the Secretary of War, materially obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will obviate such obstruction; and all such alterations and changes shall be made and all obstructions removed at the expense of the persons owning or controlling such bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the navigation of said river, caused or alleged to be caused by said bridge, the case shall be brought and tried in the circuit court of the United States for the southern district of Illinois."

Litigation.

Secretary of War to approve plans.

SEC. 7. That section seven of said Act shall be so amended as to read as follows: "That the bridge authorized to be constructed under this Act shall be built under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and 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 a sufficient distance above and below the bridge the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at low, medium, and high water 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 of the bridge is approved by the Secretary of War the bridge shall not be built; and should any changes be made in the plan of said bridge during the progress of the construction of the same such changes shall be subject to the approval of the Secretary of War."

Commencement and completion, time extended.

SEC. 8. That section eight of said Act shall be amended to read as follows: "That in case the construction of the bridge authorized by this amendatory Act shall not be commenced within one year and completed within three years from the date of the approval of this amendatory Act, then Congress may declare the same null and void."

Purpose for authorizing bridge.

SEC. 9. That section nine of said Act shall be amended to read as follows: "That the principal reason for giving authority to build the bridge herein contemplated is declared to be to secure reasonable rates and tolls to that class of traffic described in section one of this Act for the passage over the same, and to facilitate the transaction of business across the Mississippi River at the city of Saint Louis."

Transportation.

SEC. 10. That section ten of said Act shall be amended to read as follows: "That said corporation may transport on said bridge and approaches thereto persons and property of the class prescribed herein, and may allow others so to do; and said bridge and approaches may be used for the transportation of all that class of persons and property described in this Act, under such regulations as the board of directors or board of managers of said corporation or the parties owning the said bridge may prescribe. The corporation owning the said bridge may take, receive, and collect such rates and tolls for travel, passage, or transportation over said bridge and approaches as the directors of the corporation owning or controlling said bridge may from time to time fix and establish: *Provided*, That the rates charged for such travel, passage, or transportation shall not exceed the following, to wit:

Tolls.

For each freight car, loaded or unloaded, three dollars; for each passenger car, exclusive of the passengers riding therein, three dollars; for each passenger over five years of age crossing in any passenger car, fifteen cents; for each foot passenger over five years of age, three cents; for every person on horseback, including horse, seven cents; for every gig, buggy, carriage, cart, or wagon drawn by one animal, ten cents; for every buggy, carriage, cart, or wagon drawn by two animals, twenty cents; for every buggy, carriage, cart, or wagon drawn

Proviso.
Rates prescribed.

by three animals, twenty-five cents; for every buggy, carriage, cart, or wagon drawn by four animals, thirty cents; for every buggy, carriage, cart, or wagon, drawn by more than four animals, five cents extra for each animal; for each head of cattle, horses, mules, or other animals other than those attached to vehicles, ten cents; for each head of sheep or swine, five cents. In case said corporation owning or controlling said bridge shall operate a street-car line, or permit any street-car company to operate a street-car line on said bridge and approaches, the fare for a single passenger over said bridge for persons over five years of age shall not exceed five cents."

SEC. 11. That the right to alter, amend, or repeal this Act is hereby expressly reserved. Amendment.

SEC. 12. That all Acts or parts of Acts in conflict with this Act are hereby repealed. Repeal.

Approved, February 27, 1901.

CHAP. 614.—An Act To amend an Act granting to railroads the right of way through the public lands of the United States, approved March third, eighteen hundred and seventy-five. February 27, 1901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands in the State of Minnesota described in and withdrawn from sale by the proclamations of the President of the United States for the reason that said lands would be required for or subject to flowage in the construction of dams, reservoirs, and other works proposed to be erected for the improvement of the navigation of the Mississippi River and certain of its tributaries, be, and the same are hereby, declared to be, and to have been at all times heretofore, subject to the provisions of a certain Act of Congress entitled "An Act granting to railroads the right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five, as fully, effectually, and to the same extent as though said lands had not been described in said proclamations, or withdrawn from sale thereby, but had remained with the body of public lands subject to private entry and sale: *Provided, however,* That any and all parts of said lands acquired by any railroad company under said Act of Congress shall at all times be subject to the right of flowage which at any time may become necessary in the construction or maintenance of dams, reservoirs, or other works which may be constructed or erected by or under the authority of the United States for the improvement of the navigation of the Mississippi River and its tributaries: *Provided further,* That the railroad companies availing themselves of this Act shall, in addition to filing the maps now required by law to be filed, also file maps of definite location with elevation of rail of their lines of railroad over said water-reserve lands in the office of the Secretary of War; and no location shall be permitted which takes for right of way or stations or interferes with submergence of lands needed for the use of the present reservoir system, or in the construction of dams or other works, or any proposed or probable extension of the same, or which will obstruct or increase the cost of the present or prospective reservoir system: *Provided further,* That the plan for the location and construction of any such railway, or any part thereof, shall be first submitted to the Secretary of War and approved by him and by the Chief of Engineers of the United States Army.

Minnesota.
Certain water-reserve lands declared subject to railroad rights of way on public lands.
Vol. 18., p. 482.

Provisos.
Right of flowage for improvement of Mississippi River reserved.

Railroads to file maps of definite location.

—locations prohibited.

Secretary of War to approve plans.

Approved, February 27, 1901.