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front page

Delay Building Of St. Albans Bridge

Supreme Court Called on to Decide Legal Questions

The construction of the proposed bridge over the Kanawha river at St. Albans, which, it was understood, would be started this summer, will not be started until some time next fall, if then, it was learned yesterday.

The St. Albans and other bridge projects in which the state bridge commission is interested will be held up pending the decision of the state supreme court in two cases from Mason county that have been docketed for argument at the September term.

The cases are two friendly suits, concerning the Point Pleasant-Henderson bridge across the Kanawha river, which are designed to clear up certain points of law as to the powers of the state bridge commission.

Briefs in the two cases, which were certified from Mason county Tuesday, were on file with the appellate court yesterday and are styled "the state bridge commission against H. G. Nease company, a condemnation proceeding seeking to secure land for the bridge," and "Ed Bates, a taxpayer and others against the state bridge commission, a chancery case."

Points of Law

The contentions in both cases are the same and revolve about the proposal of the commission to issue \$750,000 in bonds for construction of the bridge. Among the points of law made and upon which the supreme court will be asked to pass are:

That the sale of bonds would create an indebtedness against the state and that the commission is without authority to do so; that the commission in proposing to execute a deed of trust is exceeding its authority as it was not authorized to create a lien upon public property; that chapter eight of the acts of 1929 creating the commission authorized it to exercise powers without the limits of the state and to acquire property in adjacent states; that the legislature cannot confer upon the commission power to fix tolls, and that no provision was made in the act to compensate land owners for property condemned.