

provisions, and in the event Byrne and Speed, or their assigns, shall at any time fail for the space of six months to pay any installment of rent due under this act their right to occupy the property herein mentioned shall at once cease.

Failure to pay rent.

Approved, September 30, 1890.

CHAP. 1131.—An act to authorize the Canaveral and South Florida Railroad Company to construct and maintain a bridge across the Indian River and one across the Banana River, both in the State of Florida, and to establish the same, in each case, as a post-road.

September 30, 1890.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Canaveral and South Florida Railroad Company, a corporation organized and existing under the laws of the State of Florida, its successors and assigns, be, and is hereby, authorized to construct and maintain a bridge across the Indian River, and also one across the Banana River, in each case at a place suitable to commerce and not interfering with navigation, at such point as may be approved by the Secretary of War, and to lay on or over said bridges a track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to said rivers on either or both sides thereof, at or opposite said points, under the limitations and conditions hereinafter provided. Said bridges shall not interfere with the free navigation of said rivers, and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said rivers by reason of the construction of said bridges 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 obstruction or bridges may be. Said bridges shall be constructed to provide for the passage of railroad trains, and, at the option of the said company or corporation, its successors and assigns, 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.

Canaveral and South Florida Railroad Company may bridge Indian and Banana Rivers, Fla.

Location.

Tracks.

Conditions, etc.

Free navigation.

Litigation.

Railroad, or railroad, wagon and foot bridges.

Toll.

Draw-openings.

Channel-spans.

Head room.

Provisos.

Location of spans and one draw-opening.

Reduction of fixed spans and draw-openings.

Substitute draw-opening.

Operating power.

Opening of draws.

SEC. 2. That each of said bridges shall be provided with two or more draw-openings, each having not less than two hundred feet clear channel-way, and, in addition to said draw-openings, 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 of said bridges shall give a clear head room of not less than ten feet above extreme high-water mark: *Provided,* That all spans shall be so located as to afford the greatest possible accommodation to the river traffic, and a draw-opening shall, if practicable, be located next or near shore: *Provided, also,* That if the physical characteristics of the locality so require, and the interests of navigation be not injured thereby, the lengths of the 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, in the opinion of the Secretary of War, the interests of navigation be not injured thereby.

SEC. 3. That all draw-spans authorized by this act shall be operated by steam or other reliable mechanical power, and shall be opened promptly upon reasonable signal for the passage of boats, except when trains are passing over said span or spans; but in no case shall unnecessary delay occur in opening said draw after the passage of trains; and also, that in case the opening of a draw is delayed by reason of the passing of a train after the signal has been given from a boat ready to pass through, the draw shall be opened for the passage of such boat before another train is allowed to pass over the

said span or spans; nor shall there be any unnecessary delay in the passage of trains over the bridges.

Passage of trains.

Construction of piers, accessory works, etc.

Obstructions to navigation.

SEC. 4. That all piers shall be built parallel with the current of the river at that stage of water which is most important for navigation; and the bridges themselves shall be built as nearly as may be at right angles thereto; and that riprapping or other protection for imperfect foundations which will lessen the required water-way shall not be permitted; and also that piers which will produce cross-currents or bars dangerous to navigation shall not be constructed; and if after construction any piers or accessory works are found to produce the above-mentioned effects, or if any riprapping or other protection prohibited by this section is found to exist, the nuisance shall be abated or corrected under the direction of the Secretary of War, and at the expense of the company or persons owning, controlling, or operating said bridges.

Approaches.

Encroachments by piers, etc.

SEC. 5. That the approaches to said bridges shall be so designed and constructed as not to interfere with the free discharge of said river in seasons of flood; and any encroachment on the high-water cross-section by piers, solid embankments, or otherwise which will result in unduly accelerating the high-water current at the site of the bridges shall not be allowed.

Aids to navigation.

Additional aids.

SEC. 6. That any corporation, company, or persons owning, controlling, or operating the bridges built under the authority of this act shall build and maintain at all times, as accessory works to such bridges, such booms, piers, dikes, guard-fences, and similar devices as may be necessary to insure at all times a permanent channel for a sufficient distance above and below the bridge sites, and for the guiding of rafts, steam-boats, and other water-craft safely under or through said bridges; and if at any time after the construction of the bridges and their accessory works the approaches to draw-openings, channel-spans, or raft passages in said bridges are found to be dangerous or difficult of access by any important class of river traffic the Secretary of War may, upon the recommendation of the Chief of Engineers, United States Army, order the corporation, company, or persons owning, controlling, or operating said bridges to construct under his directions and to maintain such additional sheer-booms, dikes, and other devices as will obviate the difficulty mentioned, which additional sheer-booms, dikes, and other devices shall be built and maintained at their own expense by said company or persons; and that said company or persons shall maintain at their own expense, from sunset to sunrise throughout the season of navigation, such lights and other signals on said bridges as may be required by the Light-House Board for the security of navigation.

Lights, etc.

Security of navigation.

Secretary of War to approve location, plans, etc.

Maps.

SEC. 7. That the bridges authorized to be constructed by this act shall be located and built under and subject to such regulations for the security of navigation of said rivers as the Secretary of War shall prescribe; and to secure that object said corporation shall submit for his examination a design and drawings of the bridges, piers, approaches, and accessory works, and a map of each location, giving, for a space of at least three miles above and one mile below the proposed locations, the topography of the banks of the rivers and the shore-lines at high and low water. These maps shall be accompanied by others, drawn on the scale of one inch to two hundred feet, giving, for a space of one-half a mile above the line of the proposed bridges and one-quarter of a mile below, an accurate representation of the bottoms of the rivers, by contour lines two feet apart, determined by accurate soundings, and also showing over the whole width of this part of the rivers the force and directions of the currents at low water, at high water, and at least one intermediate stage, by triangulated observations on suitable floats. The maps shall also show the location of other bridges in the vicinity, and shall give such information as the Secretary of War may require for a full and satis-

factory understanding of the subject, and the construction of the proposed bridges shall not be commenced until the location and plans thereof are approved by the Secretary of War.

SEC. 8. That any bridges constructed under the authority of this act shall be built under the general supervision of the Secretary of War, and no changes or alterations in plans shall be made during the construction of said bridges or after their completion, unless said changes or alterations conform to the provisions of this act and are authorized by the Secretary of War; that such alterations and changes as may be required by the Secretary of War in said bridges so as to preserve free and convenient navigation shall be made under the direction of the Secretary of War at their own expense by the company or persons owning, controlling, or operating said bridges; that during original construction or in carrying out any authorized changes or repairs of said bridges a navigable channel shall be preserved at the site of the bridges at all times, and the water-way of the river shall not be obstructed to a greater extent than is absolutely necessary; and such lights and buoys shall be kept on all coffer-dams, piles, and so forth, as may be necessary for the security of navigation.

General supervision.

Changes in plans.

Structural changes.

Security of navigation while building, etc.

Lights and buoys.

Secretary of War to enforce safety of navigation, etc.

Ante, p. 556.

SEC. 9. That whenever the Secretary of War has good reason to believe that any of the provisions of sections four, six, and eight of this act have not been complied with by the company or persons owning, controlling, or operating the bridges authorized under its provisions, it shall be the duty of the Secretary of War, on satisfactory proof thereof, to require the said company or persons to comply with the provisions of said sections; and on failure of said persons or company to comply with said requirements within a reasonable time the Secretary of War shall proceed to cause the necessary work, in the form of additions, alterations, repairs, or removal of obstructions, to be made at the expense of the United States and shall refer the matter, without delay, to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in the circuit court of the United States in and for the district in which any portion of said obstructions or bridges may be, for the recovery of such expense, and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

Litigation, etc.

SEC. 10. That all railroad companies desiring the use of the bridges authorized by this act shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridges 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 and conditions to which each shall conform in using said bridges, 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; and equal privileges in the use of said bridges shall be granted to all telegraph and telephone companies.

Use by other railroad companies.

Compensation.

Disagreements decided by Secretary of War.

Use by telegraph, etc., companies.

SEC. 11. That the bridges constructed, maintained, and operated under this act and according to its limitations shall be lawful structures, and shall be recognized and known in each case as a post-route, upon which also no higher charge shall be made for transportation 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 of said mails, troops, and munitions over the railroads and public highways leading to said bridges; and the United States shall have the right of way for postal telegraph and telephone purposes over said bridges.

Lawful structures and post-routes.

Postal telegraph, etc.

Commencement and completion.

SEC. 12. That this act shall be null and void if actual construction of the bridges herein authorized be not commenced within one year and completed within three years from the date of approval thereof.

Amendment, etc.
Removal.

SEC. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require the entire removal of the bridges constructed under the provisions of this act at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

Approved, September 30, 1890.

September 30, 1890.

CHAP. 1132.—An act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany Reservations, and to confirm existing leases.

Leases of lands by Seneca Nation of New York Indians, to be renewable.
Vol. 18, p. 330.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the leases of land situate within the limits of the villages mentioned in the act of Congress entitled "An act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany Reservations, and to confirm existing leases," approved February nineteenth, eighteen hundred and seventy-five, except leases to railroads, shall by the terms of said act be renewable, the same shall be renewable for a term not exceeding ninety-nine years, instead of the term of twelve years, as therein provided, subject to all other terms and conditions of said act.

Excepted leases.

Term of renewal.
Conditions, etc.

Approved, September 30, 1890.

September 30, 1890.

CHAP. 1133.—An act to authorize the construction of a bridge across the Kentucky River and its tributaries by the Louisville, Covington and Cincinnati Railway Company, the Carrollton and Louisville Railroad Company, and the Westport, Carrollton and Covington Railway Company and their assigns.

Louisville, Covington and Cincinnati Railway Company, Carrollton and Louisville Railroad Company, and Westport, Carrollton and Covington Railway Company may bridge Kentucky River, etc., at Carrollton, Ky.
Location.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Louisville, Covington and Cincinnati Railway Company, the Carrollton and Louisville Railroad Company, and the Westport, Carrollton and Covington Railway Company, corporations organized under acts of the general assembly of the Commonwealth of Kentucky, their successors and assigns are, authorized to construct and maintain a bridge or bridges, and approaches thereto, over the Kentucky River, in the State of Kentucky, at or near Carrollton, at such a point or points as said companies may deem suitable for the passage of their said road or roads over said river or its tributaries, subject to approval of the Secretary of War. Said bridge or bridges shall be constructed to provide for the passage of railway trains and, at the option of the company or companies by which it or they 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.

Railway, or railway, wagon, and foot-bridges.

Lawful structures and post-routes.

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

Use by telegraph, etc., companies.

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 company or com-