

CHAP. 311.—An Act Granting to the Northern Mississippi Railway Company right of way through certain Indian reservations in Minnesota.

August 23, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Northern Mississippi Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and its assigns the right of way for the extension of its railroad through the Leech Lake Indian, Chippewa Indian, and Winnebagoshish Indian reservations, in the State of Minnesota; such right of way to be fifty feet in width on each side of the center line of said railroad; and said company shall also have the right to take from the land adjacent to the line of said road materials, stone, and earth necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, to the extent of one station for every ten miles of road constructed within the limits of said reservations: *Provided,* That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any portion thereof shall cease to be used such portion shall revert to the nation or tribe of Indians from which the same shall be taken.

Northern Mississippi Railway Company granted right of way, Leech Lake, Chippewa, and Winnebagoshish reservations, Minn.

Width.

Stations, etc.

Proviso.
Reversion, etc.

Damages.

SEC. 2. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid to the Indians for such right of way and provide the time and manner for the payments thereof; and also to ascertain and fix the amount to be paid to individual members of the tribe for damages, if any, by them sustained by reason of the construction of said road. But no right of way of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the grounds for station houses, depots, machine shops, side tracks, turn-outs, and water stations, shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on such reservations, as to the amount of said compensation and right of way, shall have been first obtained in a manner satisfactory to the President of the United States. Said company is hereby authorized to enter upon said reservations for the purpose of surveying and locating its line of railroad, provided that said line of railroad shall be located, constructed, and operated with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe.

Plats, etc., to be approved.

Compensation.

Survey, etc.

Construction.

SEC. 3. That the rights herein granted shall be forfeited by said company unless the road is constructed through said reservations within three years.

Amendment.

SEC. 4. That Congress may at any time amend, add to, alter, or repeal this Act.

Approved, August 23, 1894.

CHAP. 312.—An Act To authorize the construction of a bridge across the Contentnea Creek at Grifton, Lenoir County, North Carolina, and to establish it as a post road.

August 23, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Kinston Branch of the Wilmington and Weldon Railroad Company, a corporation organized under the laws of the State of North Carolina, or its successors or assigns, to construct a bridge across the Contentnea Creek, at or near the town of Grifton, in the county of Lenoir and State of North Carolina; that said bridge may be constructed for railway, wagon, and postal service, with single or double track, for railway

Wilmington and Weldon Railroad Company may bridge Contentnea Creek, Grifton, N. C.

Railway and wagon bridge.

traffic, and shall be constructed under the conditions and limitations hereinafter specified.

Free navigation.

SEC. 2. That said bridge shall not interfere with the free navigation of said river beyond what may be necessary to carry into effect the rights and privileges herein granted, and in case of any litigation arising under the provisions of this Act such litigation may be tried and determined by the circuit court of the United States within whose jurisdiction said bridge is located.

Litigation.

Draw.

SEC. 3. That the bridge hereby authorized to be constructed must be constructed with a draw of such dimensions and character as shall be prescribed by the Secretary of War.

Lawful structure and post route.

SEC. 4. That any bridge constructed under this Act shall be a lawful structure, and shall be known as a post road, over which no higher charge shall be made for the transmission of mails, troops, and munitions of war of the Government of the United States or for passenger or freight passing over the same than the rate per mile charged for their transportation over the railroad or public highways leading to the said bridge, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies. The United States shall also have the right of way over said bridge for postal-telegraph purposes.

Postal telegraph.

Use by other companies.

SEC. 5. That all railway companies desiring to use said bridge shall be entitled to equal rights and privileges in using the same, including the machinery and fixtures thereto belonging, and also the approaches thereto, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest, in case they shall not be able to agree upon such terms and conditions.

Terms.

Secretary of War to approve plans, etc.

SEC. 6. That the said railway company, before entering upon the construction of said bridge, shall submit to the Secretary of War plans and drawings of said structure, together with a map of the location thereof, giving the topography of the banks of the river, the shore lines at high and low water, showing the bed of the river and the channel, with such other and further information as the Secretary of War may require; which said drawings and information aforesaid shall be examined by him, and if he shall approve the same he shall so notify the said railway company of such approval, and thereupon said company may proceed to the erection of said bridge. The Secretary of War may direct such alterations in such plans as he may deem necessary to the better protection of navigation, and such alterations shall be adopted by the said railway company. The said railway company may at any time make any alterations deemed advisable to be made in said bridge, but must first submit such proposed alterations to the Secretary of War, and his approval shall be first had before they shall be authorized or made.

Alterations.

Aids to navigation.

SEC. 7. That the said bridge herein authorized to be constructed shall be so kept and managed at all times as to afford proper ways and means for the passage of vessels, barges, or rafts under it both by day and night. There shall be displayed on said bridge from sunset to sunrise such lights and signals as may be directed by the Light-House Board, and such changes may be made from time to time in the structure of said bridge as the Secretary of War may direct, at the expense of said railway, in order the more effectually to preserve the free navigation of said river, or the said structure shall be altogether removed, if, in the judgment of the Secretary of War, the public good may require such removal, and without expense or charge to the United States.

Lights, etc.

Commencement and completion.
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SEC. 8. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within thirty days and completed within ninety days from the date of the approval of this Act.

Amendment, etc.

SEC. 9. That the right to alter, amend, or repeal this Act is hereby specially reserved.

Approved. August 23, 1894.