

Duties of attorney
and marshal.

SEC. 5. That the district attorney and marshal of said eastern district of Michigan shall respectively perform the respective duties of district attorney and marshal for the southern and northern divisions of said district as established by this Act. The marshal of said district shall keep an office of deputy marshal at Bay City in the northern division of said district, and mileage on service of process in said northern division shall be computed from Bay City.

Deputy marshal.

Criminal prosecu-
tions.

SEC. 6. That any person charged with violating any of the penal or criminal statutes of the United States in which said circuit or district courts have jurisdiction shall be proceeded against by indictment or otherwise within the division of said district where the alleged offense or offenses shall be committed, and shall have his or her trial at a term of said court held in said division, unless, for cause shown, the judge shall otherwise direct; and one grand and one petit jury only shall be summoned, and serve in both said courts at each term thereof; jurors shall be selected and drawn from the division of said district in which they reside and in which the terms of said circuit and district courts to which they are summoned are held.

Juries.

Pending causes.

SEC. 7. That this Act shall not affect or in anywise interfere with causes of action now pending in the circuit or district courts for the eastern district of Michigan, but the same may be proceeded with in the same manner as though this Act had not been passed.

Repeal.

SEC. 8. That all provisions of laws in conflict with this Act are hereby repealed.

Approved, April 30, 1894.

May 1, 1894.

CHAP. 67.—An Act To authorize the Saint Louis River Bridge Company and the Duluth Transfer Railway Company to construct, maintain, and operate a bridge over the Saint Louis River from a point at or near Grassy Point, in the village of West Duluth, Minnesota, to the most available point opposite, in the State of Wisconsin.

Saint Louis River
Bridge Company and
Duluth Transfer Rail-
way Company in a
bridge Saint Louis
River, Minn. and Wis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Saint Louis River Bridge Company, a corporation organized and existing under the laws of the State of Wisconsin, and the Duluth Transfer Railway Company, a corporation created, organized, and existing under and by virtue of the laws of the State of Minnesota, and their respective successors in interest be, and are hereby, authorized to construct, maintain, and operate a bridge, with the approaches thereto, over the Saint Louis River, between the States of Minnesota and Wisconsin, extending from or near Grassy Point, West Duluth, in the State of Minnesota, to the most available point opposite in the city of Superior, in the county of Douglas, and State of Wisconsin. Said bridge shall be constructed to provide for the passage of cars, locomotives, and trains of railway companies and shall have laid thereon and thereover railroad tracks for the more perfect connection of any railroads that are or may be constructed to said bridge, or the place of its location, to the end that interchange of traffic may be encouraged and interstate commerce promoted and facilitated; and the same shall be so built as to provide for and permit of the passage thereover of the cars and rolling stock of street railway companies, wagons, carriages and vehicles of all kinds, animals, foot passengers, and travelers under such reasonable rules and regulations as may be prescribed by the said companies authorized hereby to construct the same, or their successors in interest, and for such reasonable rates of toll as may be fixed by said companies, to be approved from time to time by the Secretary of War: *Provided, however,* That said bridge and its approaches shall be made free of tolls to wagons, teams, foot passengers, and street railways at the end of twenty years from the passage of this Act if not made free before the end of said time.

Railway, wagon and
foot bridge.

Toll.

Proviso.
Free passage.

SEC. 2. That the bridge to be built under this Act shall be constructed as a pivot drawbridge, with a draw over the main channel of said river, at an accessible and navigable point, to be approved by the Secretary of War, and with spans of not less than one hundred and seventy-five feet in length in the clear on each side of the central or pivot pier of the draw; and also a fixed span with a length of not less than one hundred and seventy-five feet to permit the passage of rafts under said bridge; and said draw shall be opened promptly, at reasonable signal, for the passage of boats, vessels, and other water craft whose construction shall be such as not to admit of their passage under the draw of said bridge when closed, but in no case shall unnecessary delay occur in the opening of said draw; and there shall be maintained by such corporations, at their own expense, from sunset to sunrise, such lights or other signals upon said bridge as the Light-House Board may prescribe; and there shall also be maintained, at their own expense, sheer booms or other proper protection to guide rafts, boats, vessels, and water craft through said draw spans; and the said company or companies may do any dredging necessary for confining the flow of water to a permanent channel or to the maintenance thereof at navigable depths.

Draw.

Opening draw.

Lights, etc.

Aids to navigation.

SEC. 3. That the bridge and accessory works and improvements constructed under this Act and according to its terms and limitations shall be a lawful structure, and said bridge shall be recognized and known as a post route upon which no higher charge shall be made for the transportation over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for their transmission over railroads and public highways leading to said bridge, and the United States shall have the right of way for postal and telegraph purposes across said bridge, free of charge.

Lawful structure and post route.

SEC. 4. That it shall be lawful for the said companies hereby authorized to construct the said bridge to make such contracts and agreements respecting the construction and maintenance of said bridge as they may desire, not in contravention of the provisions hereof, and may, if they so desire, contract and agree with each other as to their ownership and control of the respective portions of said bridge, to the end, if they so desire, that the said railway company may be invested with the ownership, control, management, and maintenance of that portion thereof devoted to railway traffic, and the said other company be invested with the ownership, management, control, and maintenance of the residue of said structure, or to the end that the best and most feasible method may be by said companies devised for the ownership and maintenance of said structure; and it shall be lawful, in case the said companies hereby authorized to construct said bridge shall so desire, for them to enter into contract together, whereby either of said companies may construct the same under the authority hereby given, and enter into contract together as to the ownership, rights, and control of the respective parties in interest; but nothing herein shall relieve either of said companies or corporations from any liability for a failure to comply with the provisions of this Act.

Construction contracts.

SEC. 5. That all railroad companies desiring to use that portion of said bridge constructed for railroad purposes shall have and be entitled to equal rights and privileges in the passing over the same and in the use of the machinery and fixtures thereof and of the approaches thereto for a reasonable compensation, to be paid to the owner or owners thereof, and if the owner or owners of said bridge and the several railroad companies, or either or any of them desiring such use, shall fail to agree upon the sum or sums to be paid, and the rules and conditions to which each shall conform in using the same, 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, of which hearing each party shall have due notice, and the determination of the Secretary of War thereof shall be binding upon the parties to such controversy.

Use by railroad companies.

Compensation.

Use by street rail-ways.

SEC. 6. That all street railway companies desiring to use that portion of said bridge constructed and applicable for such use shall have and be entitled to equal rights and privileges relative to the passage of their cars and rolling stock thereover and over the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owner or owners of said bridge or any portion thereof, and the street railway company or companies so desiring to use the same, shall fail to agree upon the sum or sums to be paid upon the rules and conditions to which each shall conform in using the same, all matters at issue between them shall be decided by the Secretary of War in the manner provided in the last preceding section.

Compensation.

Transfer of franchise to Duluth and Superior.

SEC. 7. That the company or persons owning and holding such bridge shall, at any time after the completion thereof, sell and transfer the same, or such portion thereof as is not used for railway purposes, to the city of Duluth, in the county of Saint Louis, in the State of Minnesota, and to the city of Superior, in the county of Douglas, in the State of Wisconsin, or to the said counties jointly, and surrender the entire control and management thereof, with all the rights and privileges and franchises thereto appertaining, upon payment to such holders and owners of the total amount expended up to the time of the transfer in and about the construction, maintenance, and repairs of said bridge and its approaches and accessory works, as well as expended in dredging the channel to and through the draw of such bridge; and in case of the purchase of only a part of said bridge then the amount to be paid shall be apportioned by agreement between the owners of said bridge, and the cities or counties purchasing it, or, in case of disagreement, by the Secretary of War, with interest thereon at the rate of seven per centum per annum, less the net income from the tolls, in which event, and in case of the due consummation of such transfer, the said counties or cities shall thenceforth be subject to all the obligations and conditions imposed by the provisions of this Act, and shall assume and pay at their maturity the unmatured obligations, if any, of the said company or persons, not exceeding in amount the purchase price of said bridge as herein provided; and the amount of such obligations so assumed, with the accrued interest thereon, shall be deducted from the amount of said purchase price, and the remainder only shall be paid to said company or persons: *Provided*, That said bridge and its approaches thereafter shall be made free of tolls to wagons, teams, and foot passengers and street railway cars.

Transfer of part of bridge.

Proviso.

Free passage.

Free navigation

SEC. 8. That in order that any bridge built under the authority of this Act may be constructed and built without any material interference with the security and convenience of navigation of said river, beyond what is necessary to carry into effect the rights and privileges hereby granted, and in order to secure compliance with the conditions herein specified, the said corporation so constructing the same shall, previous to commencing the work of construction of said bridge, submit the plans and location thereof, with a detailed map of the river at the proposed site of said bridge, and near thereto, exhibiting the depths and currents of said river, to the Secretary of War for his approval, together with such further information concerning said bridge and said river as may be deemed requisite by him; and until he approves the plans and location of said bridge it shall not be built. The Secretary of War, upon receiving such map and plans, shall proceed with due diligence to consider the same, and, upon being satisfied that the same conform to the prescribed conditions of this Act, shall notify said companies that he approves the same, and shall notify said companies of any changes or modifications necessary in order that the same be made to conform to said conditions; and the said companies, upon receiving such notification, may proceed to erect the said bridge in conformity with the approved plans and location and the conditions herein prescribed; and no change shall be made therein without the consent of the Secretary of War and his approval thereof: *Provided, however*, That the Secretary of War shall give, or cause to be given, to said

Secretary of War to approve plans, etc.

Proviso.

Consideration of plans, etc.

corporations reasonable notice of the time and place of the consideration of said plans and maps by him or by any officer of his Department, and the said corporations shall have a right to appear with their engineers and attorneys, or either, before such officer, and be heard in behalf of said plans before him, as well as before any officer authorized by him to report upon the same.

SEC. 9. That in case of any litigation arising by reason of any obstruction of the free navigation of said river, by reason of said bridge, the cause may be tried before the circuit court of the United States for the States of Minnesota or Wisconsin, and the said corporations herein authorized to construct said bridge, or either of them so constructing the same, under the authority herein granted, their or its successors and assigns, for the purpose of acquiring necessary rights of way for the construction of necessary abutments and approaches for said bridge, and the lines and tracks of railroad thereon, shall have the power to acquire the same by purchase, gift, or conveyance, or by the exercise of the power of eminent domain, and, for such latter purpose, may institute proceedings in the proper court having jurisdiction in each or either of said States wherein the premises sought to be condemned are located, or in the circuit court of the United States in the proper district or division of either of said States, said proceedings to be conducted in all respects in conformity with the provisions of law in such State or States, for the acquisition by condemnation of private property, and appropriating the same to public use, by corporations authorized to exercise the power of eminent domain.

Litigation.

Condemnation proceedings.

SEC. 10. That if such bridge hereby authorized to be built shall not be commenced within one year and finished within three years from the date hereof, the rights and privileges hereby granted shall determine and cease.

Commencement and completion.

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

Amendment, etc.

Approved, May 1, 1894.

CHAP. 68.—An Act To ratify the reservation of certain lands made for the benefit of Oklahoma Territory, and for other purposes.

May 4, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reservation for university, agricultural college, and normal school purposes, of section thirteen in each township, of the lands known as the Cherokee Outlet, the Tonkawa Indian Reservation, and the Pawnee Indian Reservation, in the Territory of Oklahoma, not otherwise reserved or disposed of, and the reservation for public buildings of section thirty-three in each township of said lands, not otherwise disposed of, made by the President of the United States in his proclamation of August nineteenth, eighteen hundred and ninety-three, be, and the same are hereby, ratified, and all of said lands and all of the school lands in said Territory may be leased under such laws and regulations as may be hereafter prescribed by the legislature of said Territory; but until such legislative action the governor, secretary of the Territory, and superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior, for the respective purposes for which the said reservations were made, except that it shall not be necessary to submit said leases to the Secretary of the Interior for his approval; and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases.

Oklahoma.
Lands reserved for educational and building purposes ratified.

Post, p. 1229.

Leases.

Expenses.

Approved, May 4, 1894.