AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Lights, etc.

tain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board may prescribe:

Application of requirements, etc.

And provided, also, That if more than one bridge is built under this act the above provisions and requirements shall apply to all.

Lawful structures and post-routes.

SEC. 2. That any and all bridges built under this act shall be lawful structures, and the line of railroad and bridges so constructed by the said railroad company shall constitute a post-route and shall enjoy all the rights and privileges of other post-roads of the United States.

Commencement and completion.

SEC. 3. That this act shall be null and void if actual construction of the bridges herein authorized be not commenced within two years and completed within four years from the date of the approval of this act.

Amendment.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Approved, September 30, 1890.

September 30, 1890.

CHAP. 1130.—An act authorizing the use of the Louisville and Portland Canal Basin on certain conditions.

Louisville and Portland Canal.

Byrne and Speed may conditionally use the Louisville and Portland Canal Basin, Louisville, Ky.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the written contract by and between the city of Louisville, the Louisville and Portland Canal Company, and John P. Byrne, made in the year eighteen hundred and seventy, under which the firm of Byrne and Speed, of Louisville, Kentucky, constructed a basin on the south side of the Louisville and Portland Canal, above Fifteenth street, and also erected buildings, with elevator machinery therein, on land then the property of the Louisville and Portland Canal Company,

Ratification, etc., of contract.

now the property of the United States, is ratified and confirmed, subject, however, to the following modifications and provisions, to wit: Byrne and Speed, their assignees and grantees, are hereafter to pay to the United States of America, for the use of the land, an

Rental.

annual rental of two hundred and fifty dollars, to be paid semi-annually, through the officer in charge of the canal.

Building restriction.

They shall not erect any additional buildings of any kind, but may keep in repair those now standing, or may reconstruct them or any part thereof, in case of destruction by fire or from other cause.

SEC 2. That when, in the opinion of the Secretary of War, the use of said basin or buildings shall become prejudicial to the canal or its use, he shall detail a commission of not less than three nor more than five officers of the Engineer Corps of the United States Army, with orders to assemble in Louisville, and to decide whether the use of the said basin or buildings is prejudicial to the canal or its use.

Notice.

Said commission shall cause notice to be given to Byrne and Speed, or their assigns, of the time and place of their sitting, and shall, after hearing any evidence offered by Byrne and Speed, or by the officer

Hearing, etc.

representing the Government, proceed to hear and determine the matter submitted to them, and if they find that the use of the said basin or buildings is prejudicial to the canal or its use, they will

Valuation, etc.

also assess and find the value of the excavation and masonry of the basin made and erected by Byrne and Speed in the construction of said basin, and upon the payment or tender by the Secretary of War

Removal of buildings, etc.

of the sum so fixed Byrne and Speed shall remove within six months their buildings from the canal property, discontinue the use of said

Relinquishment of claims.

basin, and relinquish all claims under the above-mentioned contract.

Copy of finding.

A copy of the finding of the commission shall be furnished to Byrne and Speed, or their assigns.

Acceptance of ratification.

SEC. 3. That the ratification provided in this act shall not take effect unless within ninety days from its passage Byrne and Speed shall file with the Secretary of War their written acceptance of its

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.

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.

Draw-openings.

Channel-spans.

Head room.

Provisos.

Location of spans and one draw-opening.

Reduction of fixed spans and draw-openings.

Substitute draw-opening.

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

Operating power.

Opening of draws.