

Removing obstructions to navigation.      or improvements the said company fails to do so, the Secretary of War shall have authority to make the same at the expense of said company, and all the rights conferred by this act shall be forfeited; and Congress shall have power to do any and all things necessary to secure the free navigation of the rivers; and the said railroad company in owning, operating and maintaining said bridges, shall be subject to the provisions and penalties prescribed in sections nine and ten of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," which was received by the President of the United States July thirty-first, eighteen hundred and eighty-eight, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, became a law without his approval.

Laws, 1st sess. 50th Cong., p. 425.

Opening draw.

SEC. 6. That the draw provided for the said bridges shall be opened promptly, upon reasonable signal, for the passing of boats; and said railroad company shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridges as the Light-House Board shall prescribe.

Lights, etc.

Use by other companies.

SEC. 7. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge 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 bridge, 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.

Compensation.

Decision by Secretary of War.

Litigation.

SEC. 8. That on the failure of the said railroad company to obey this act and to conform to the provisions thereof any municipal corporation adjacent to said bridges, or interested in the enforcement of this act, or any other corporation, person, or persons injuriously affected by such failure, may institute suit against said railroad company, by mandamus or other appropriate proceedings, in the circuit court of the United States within the jurisdiction of which said bridges are located, in the name of the United States, upon the relation of the party complaining, to enforce the provisions of this act. Such suit shall be brought by the United States district attorney for the district within which said bridges are situated, and said court shall have full power by its judgment and decree to compel said railroad company to comply with the provisions of this law.

Approved, March 2, 1889.

March 2, 1889.

**CHAP. 404.**—An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Fortifications appropriations.

Under supervision of Board. *Ante*, p. 489.

Preservation and repair.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sums of money herein provided for be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direct supervision of the Board of Ordnance and Fortification, created by the fortification appropriation act approved September twenty-second, eighteen hundred and eighty-eight, and in the manner prescribed by said act, namely:

**PRESERVATION AND REPAIR OF FORTIFICATIONS:** For the protection, preservation, and repair of fortifications, one hundred thousand dollars.

For preparation of plans for fortifications, five thousand dollars.

Plans.

**TORPEDOES FOR HARBOR DEFENSE:** For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal sea-ports, two hundred and fifty thousand dollars.

Torpedoes.

For needful casemates and cable galleries to render it possible to operate submarine mines, two hundred and fifty thousand dollars.

For continuing torpedo experiments and for practical instruction of engineer troops in the details of the service, thirty thousand dollars.

For the purchase of movable submarine torpedoes, in the discretion of the board on ordnance and fortifications, fifty thousand dollars.

For torpedo-shed at San Francisco Harbor, twenty-two thousand dollars.

**ARMAMENT OF FORTIFICATIONS:** For the finishing and assembling of eight-inch, ten-inch, and twelve-inch steel guns made from forgings procured under the act of September twenty-second, eighteen hundred and eighty-eight, thirty-five thousand dollars.

Steel guns.

For the purchase of steel forgings for field and siege cannon, as follows:

For steel forgings for not less than twenty-four three and six-tenths inch field guns, twenty-four thousand dollars;

Steel forgings.

For steel forgings for not less than ten five-inch siege guns, twenty thousand dollars;

For steel forgings for not less than ten seven-inch siege howitzers, eighteen thousand dollars;

For steel forgings for not less than sixteen three and six-tenths inch field mortars, two thousand dollars;

For manufacture of field and siege cannon (finishing and assembling) within the fiscal year eighteen hundred and ninety, fourteen thousand dollars; in all, seventy-eight thousand dollars.

Field and siege guns

For the test of experimental guns procured under the act of September twenty-second, eighteen hundred and eighty-eight, namely, for one ten-inch wire wound gun, steel, twenty-eight thousand dollars; for one twelve-inch gun, steel hooped, thirty-nine thousand five hundred dollars; for procuring one ten-inch disappearing gun-carriage, thirteen thousand five hundred dollars; for gun platforms at proving ground, six thousand five hundred dollars; for projectiles for field, siege, and sea-coast guns for issue to the service, twenty-eight thousand five hundred dollars; for siege-gun powder for issue to the service, seven thousand dollars; for fuzes and implements for issue to the service, two thousand dollars; in all, one hundred and twenty-five thousand dollars.

Tests, etc.

For the alteration of barbette carriages for ten-inch smooth-bore guns to adapt them to the service of eight-inch muzzle-loading converted rifles, fifty-four thousand dollars; for the alteration of barbette carriages for fifteen-inch smooth-bore guns to adapt them to present service conditions, forty-six thousand dollars, in all one hundred thousand dollars.

Alterations, etc.

For the manufacture of carriages for twelve-inch breech-loading rifled mortars, procured under the act of September twenty-second, eighteen hundred and eighty-eight, one hundred thousand dollars.

Carriages.

For the manufacture of forty caissons and ten combined battery wagons and forges for three and two-tenths inch field guns, forty-three thousand two hundred and seventy-four dollars.

Caissons, etc.

For procuring the necessary instruments and other materials and for the proper installation of instruments for conducting the annual heavy artillery practice of the Army, twenty thousand dollars.

Artillery practice.

For repairs and improvements at the Ordnance Proving Ground, Sandy Hook, New Jersey, namely: Repairing dock and dredging, five

Proving ground,  
Sandy Hook, N. J.  
Repairs, etc.

thousand five hundred dollars; relaying roads and walks, three thousand eight hundred dollars; repairs to officers' quarters, two thousand dollars; repairs to foreman's and soldiers' quarters, two thousand six hundred dollars; repairs to office, five hundred dollars; repairs to shops and store-houses, one thousand dollars; machinery for shops, four thousand dollars; clearing ground about ranges, six hundred dollars; laying narrow gauge tramway to proof butts and targets, five thousand three hundred and twenty dollars; in all, twenty-five thousand three hundred and twenty dollars: *Provided*, That all material purchased under this act shall be of American manufacture.

Approved, March 2, 1889.

March 2, 1889.

**CHAP. 405.**—An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following tract of land, being a part of the Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Pine Ridge Agency, in the Territory of Dakota, namely: Beginning at the intersection of the one hundred and third meridian of longitude with the northern boundry of the State of Nebraska; thence north along said meridian to the South Fork of Cheyenne River, and down said stream to the mouth of Battle Creek; thence due east to White River; thence down White River to the mouth of Black Pipe Creek on White River; thence due south to said north line of the State of Nebraska; thence west on said north line to the place of beginning. Also, the following tract of land situate in the State of Nebraska, namely: Beginning at a point on the boundary-line between the State of Nebraska and the Territory of Dakota where the range line between ranges forty-four and forty-five west of the sixth principal meridian, in the Territory of Dakota, intersects said boundary-line; thence east along said boundary-line five miles; thence due south five miles; thence due west ten miles; thence due north to said boundary-line; thence due east along said boundary-line to the place of beginning: *Provided*, That the said tract of land in the State of Nebraska shall be reserved, by Executive order, only so long as it may be needed for the use and protection of the Indians receiving rations and annuities at the Pine Ridge Agency.

**SEC. 2.** That the following tract of land, being a part of the said Great Reservation of the Sioux Nation, in the Territory of Dakota, is hereby set apart for a permanent reservation for the Indians receiving rations and annuities at the Rosebud Agency, in said Territory of Dakota, namely: Commencing in the middle of the main channel of the Missouri River at the intersection of the south line of Brule County; thence down said middle of the main channel of said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence due south to the forty-third parallel of latitude; thence west along said parallel to a point due south from the mouth of Black Pipe Creek; thence due north to the mouth of Black Pike Creek; thence down White River to a point intersecting the west line of Gregory County extended north; thence south on said extended west line of Gregory County to the intersection of the south line of Brule County extended west; thence due east on said south line of Brule County extended to the point of beginning in the Missouri River, including entirely within said reservation all islands, if any, in said river.

Sioux Indian Reservation, Dakota.  
Subdivision of.  
*Ante*, p. 94.

Pine Ridge Reservation.  
Boundaries.  
Dakota.

Nebraska.

*Proviso.*  
Nebraska lands.

Rosebud Reservation.

Boundaries.