

Proviso.
Attorneys to designate place of hearing.

the case was tried below shall fix and determine: *Provided, however,* That at any time before the hearing of any appeal, writ of error, or other case, the parties thereto, through their respective attorneys, may stipulate at which of the above-named places the same shall be heard, in which case the case shall be remitted to and entered upon the docket at the place so stipulated and shall be heard there.

Approved, January 11, 1909.

January 14, 1909.
[H. R. 22306.]

[Public, No. 189.]

CHAP. 21.—An Act To authorize the Delaware, Lackawanna and Western Railroad Company and the Lackawanna Railroad Company of New Jersey to construct and maintain a bridge across the Delaware River from a point near the village of Columbia, Knowlton Township, Warren County, New Jersey, to the village of Slateford, Northampton County, Pennsylvania.

Delaware River, Delaware, Lackawanna and Western Railroad Company may bridge, at Columbia, N. J.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Delaware, Lackawanna and Western Railroad Company, a corporation of the State of Pennsylvania, and the Lackawanna Railroad Company of New Jersey, a corporation of the State of New Jersey, be, and they hereby are, authorized jointly to construct, maintain, and operate a bridge across the Delaware River between a point northwest of the village of Columbia, in the township of Knowlton, county of Warren, and State of New Jersey, and a point southeasterly from the village of Slateford, in the county of Northampton and State of Pennsylvania, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six.

Vol. 34, p. 84.

Amendment.

SEC. 2. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, January 14, 1909.

January 15, 1909.
[S. 4856.]

[Public, No. 190.]

CHAP. 22.—An Act Authorizing the Secretary of Commerce and Labor to lease San Clemente Island, California, and for other purposes.

San Clemente Island, Cal. Lease of, to the San Clemente Wool Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce and Labor be, and he is hereby, authorized, directed, and empowered to lease and demise to the San Clemente Wool Company, a corporation organized and existing under and by virtue of the laws of the State of California, its successors and assigns, for the purpose, however, of farming, the unused light-house reservation in California, known as San Clemente Island, for and during the full period of twenty-five years, for its and their sole and exclusive use, except as herein-after specified, at an annual rental, payable in advance, of one thousand five hundred dollars, and an expenditure by said company, or its successors or assigns, of twenty-five thousand dollars (not less than approximately one thousand dollars in any one year of said term) in improving the said island and protecting it from devastation by accretions of sand: *Provided,* That in said lease it shall be stipulated that the Government of the United States may at any time during the term thereof go upon said island and construct thereon at any point light-house buildings, stone quarries, piers, landings, or other governmental structures, and may set aside certain tracts of land on the shore for fishing and camping places, and take possession of such portion or portions of said island as may be required for such purposes, and may

Annual rent and sum for improvements.

Proviso.
Rights reserved.

at any time introduce game animals on said island. It shall be further stipulated in said lease that the said expenditure of twenty-five thousand dollars in improving said island shall be expended in developing water, constructing dams and reservoirs for the storage of water, erecting windmills, water tanks, building fences, houses, buildings, and wagon roads, reseeding the island to trees and grasses, and planting spineless cactus for the purpose of stopping the drifting of the sands and of creating additional pasturage, and such other general improvements as may be necessary for the conduct of the business of sheep and general farming, and that all ranches and buildings shall be kept in good sanitary condition. Said lease shall confer upon the said company the authority to construct on said island such reservoirs, dams, windmills, water tanks, fences, houses, barns, buildings, ditches, flumes, canals, roads, telegraph and telephone lines, trails, wharves, piers, and landings as may be necessary or proper for the uses and purposes herein set forth.

SEC. 2. That nothing herein contained shall grant or convey or be held to grant or convey to said company, its successors or assigns, during such time as it or they may hold said lands under the lease hereby authorized, any right, license, or privilege to take or remove from said island, or any part thereof, any growing timber, stone, clay, ore, metals, or minerals of any kind or nature whatsoever, save and except such timber and stone as may be necessary for the immediate use of said company, its successors and assigns, in the building, erection, or maintenance of such reservoirs, dams, windmills, water tanks, fences, houses, barns, buildings, ditches, flumes, canals, roads, telegraph and telephone lines, trails, wharves, piers, and landings.

SEC. 3. That the Secretary of Commerce and Labor may at any time during the said period of twenty-five years, at his discretion, terminate and cancel said lease, in case said company shall fail to pay the said rental of one thousand five hundred dollars per annum in advance or shall fail and neglect to expend the sum of twenty-five thousand dollars in the improvement of said island, as herein specified, and well and truly perform any of the stipulations herein imposed upon it; and, in order that the Secretary may be advised regarding the expenditures made by said company, it shall be further stipulated in said lease that said company shall annually, on the first day of January, file with the Secretary of Commerce and Labor a statement, under oath of its president, showing in detail the expenditures made by said company during the previous year and the character and extent of the improvements made on said island by said company, which statement shall be accompanied by good and sufficient vouchers. It shall be further stipulated in said lease that Government officials shall have the right to go upon said island at any time, and shall have the right to inspect the improvements made by said company under the terms of said lease. It shall also be stipulated in said lease that all improvements made upon said island by said company, and all buildings and other structures erected thereon by said company under the terms of said lease shall upon the termination of said lease, in natural term or by cancellation of the same, be and become the property of the Government of the United States. It shall also be stipulated that no part of the said island of San Clemente shall be sublet to other parties.

SEC. 4. That the money so received as rental by the Secretary of Commerce and Labor from said company shall be covered into the Treasury.

Approved, January 15, 1909.

Nature of improvements.

Construction of reservoirs, etc.

Removal of timber, etc., prohibited.

Exception.

Forfeiture.

Statement of expenditures.

Vouchers.

Inspection.

Reversion of improvements, etc., to government.

Subleasing prohibited.

Rents covered into Treasury.

January 18, 1909.

[H. R. 23866.]

[Public, No. 191.]

Mississippi River.
Time extended for
bridging between
Fort Snelling Reser-
vation and Saint Paul,
Minn.
Vol. 34, p. 68,
amended.
Time of construc-
tion.

CHAP. 23.—An Act To amend an Act entitled "An Act to authorize the construction of a bridge between Fort Snelling Reservation and Saint Paul, Minnesota," approved March seventeenth, nineteen hundred and six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section nine of an Act entitled "An Act to authorize the construction of a bridge between Fort Snelling Reservation and Saint Paul, Minnesota," approved March seventeenth, nineteen hundred and six, be, and the same is hereby, amended so as to read as follows:

"**SEC. 9.** That this Act shall be null and void if actual construction of the bridge herein authorized shall not be commenced within one year and completed within four years from the date hereof."

Approved, January 18, 1909.

January 21, 1909.

[S. 8143.]

[Public No. 192.]

Niobrara Military
Reservation, Nebr.
Chicago and North-
western Railway Com-
pany may change
location of right of
way across.

Vol. 22, p. 481,
amended.

New right of way.

Amendment.

CHAP. 27.—An Act Granting to the Chicago and Northwestern Railway Company a right to change the location of its right of way across the Niobrara Military Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chicago and Northwestern Railway Company, a corporation duly organized and existing under the laws of the States of Illinois, Wisconsin, and Michigan, which has become the owner of and is engaged in the operation of the railroad constructed by the Fremont, Elkhorn and Missouri Valley Railroad Company across and through the Niobrara Military Reservation, located in the State of Nebraska, under and pursuant to the provisions of an Act entitled "An Act granting right of way to the Fremont, Elkhorn and Missouri Valley Railroad Company across the Niobrara Military Reservation in the State of Nebraska," which was passed and approved on the twenty-eighth day of February, anno Domini eighteen hundred and eighty-three, is hereby granted the right to change the location of its right of way and of its railroad where they now cross the south half of section eight, township thirty-three north, range twenty-seven west of the sixth principal meridian, and is hereby granted in place of said right of way granted to the said Fremont, Elkhorn and Missouri Valley Railroad Company by the said act of February twenty-eighth, eighteen hundred and eighty-three, a new right of way not exceeding four hundred feet in width, to be so selected as not to interfere with any buildings or improvements on said reservation, and the location thereof to be subject to the approval of the Secretary of War, across and through that portion of said military reservation embraced within said south half of section eight, township thirty-three north, range twenty-seven west of the sixth principal meridian.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, January 21, 1909.

January 21, 1909.

[S. 6136.]

[Public, No. 193.]

Boise, Idaho.
May use part of mili-
tary reservation for
park purposes.

CHAP. 28.—An Act Authorizing the Secretary of War to grant a revocable license to certain lands to Boise, Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to make a license, revocable at his discretion, for the use for park purposes by Boise City, a municipal corporation, to that tract of land lying within the boundaries of the United States military reservation at Boise City, Ada County, Idaho, and bounded and described as follows: