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determined any other question, whether of law or of fact, which may be in dispute between said intervener and the United States, and affecting the right or title to any part of the lands claimed to have been embraced within the grants of lands by the United States to or for either of said wagon-roads. Should the lands embraced within said grants or either of them or any portion thereof, be declared forfeited by the final determination of said suit or suits, the same shall be immediately restored to the public domain and become subject to disposal under the general land laws; and should the final determination of said suit or suits maintain the right of the aforesaid wagon-road grantees or their assigns to the lands embraced in said grants, the Secretary of the Interior shall forthwith adjust said grants in accordance with such determination, and shall cause patents to be issued for the lands inuring to said grantees under said wagon-road grants and which have been heretofore unpatented: *Provided further*, That the lands actually settled upon or occupied and used as a homestead or for agricultural or grazing purposes, in cases in which such settler or occupant has acquired the title of the State of Oregon under the grants recited in the first section of this act to the same, not exceeding one section to any one settler or occupant, shall not be included in such suit, and such settler or occupant shall not be made a party thereto, anything in this act to the contrary notwithstanding

Restoration of forfeited lands.

Patents if grants declared valid.

Proviso.

Actual settlers not disturbed.

Approved, March 2, 1889.

March 2, 1889.

CHAP. 378.—An act granting right of way to the Forest City and Watertown Railroad Company through the Sioux Indian Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way is hereby granted, as hereinafter set forth, to the Forest City and Watertown Railroad Company, a corporation duly organized under the general incorporation laws of the Territory of Dakota, its successors and assigns, for the construction, operation, and maintenance of its railroad through the lands set apart for the use of the Sioux Indians and commonly known as the Sioux Indian Reservation, beginning at a point on the west bank of the Missouri River in Dewey County, Dakota, opposite Forest City, Potter County, Dakota Territory, running thence by the most practicable route in a southwesterly course between the Cheyenne and Moreau Rivers to the city of Deadwood, Dakota.

Forest City and Watertown Railroad Company granted right of way through Sioux Indian Reservation.

Location.

SEC. 2. That the right of way hereby granted to said company shall be seventy-five feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber 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 three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of its road.

Width.

Stations.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until the consent of such Indians as are entitled to such compensation shall be obtained thereto in such manner as the President of the United States shall direct, and until plats

Compensation to Indians.

Consent of Indians.

thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations shall be filed with and approved by the Secretary of the Interior, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision. Surveys, etc. Secretary of the Interior to approve location, etc.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order within two years from the passage of this act. Not assignable. *Provisos.* Mortgages. Completion.

SEC. 5. That Congress shall have at all times power to alter, amend, or repeal this act and revoke all rights hereunder. Amendment, etc.

Approved, March 2, 1889.

CHAP. 379.—An act to increase the appropriation for the public building at Detroit, Michigan. March 2, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Detroit, Michigan, be, and the same is hereby, increased to one million five hundred thousand dollars, and that sum is hereby fixed as the limit of cost for the erection of said building, including cost of last site purchased therefor. Detroit, Mich. Public building. Limit of cost increased. Vol. 23, p. 338. Vol. 24, p. 468.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said building. Contracts.

SEC. 3. That the sum of five hundred thousand dollars be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act. Appropriation.

Approved, March 2, 1889.

CHAP. 380.—An act to increase the appropriation for the erection of a public building at Winona, Minnesota. March 2, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the amount heretofore fixed as the limit of cost for the purchase of a site and the erection of a building for the accommodation of the United States courts, post-office, and internal revenue and other Government offices at the city of Winona, Minnesota, be, and the same is hereby, increased to one hundred and fifty thousand dollars; and that sum is hereby fixed as the limit of cost for the erection of said building. Winona, Minn. Public building. Limit of cost increased. Vol. 23, p. 483.

Approved, March 2, 1889.