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question of fact as to the proper compensation to the common carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper, pending the determination of the question of fact: *Provided*, That the remedy hereby given by writ of mandamus shall be cumulative, and shall not be held to exclude or interfere with other remedies provided by this act or the act to which it is a supplement.

Mandamus may issue pending determination.

Other remedies not excluded.

Approved, March 2, 1889.

CHAP. 383.—An act to authorize the Secretary of War to lease a certain tract of land to the Leavenworth City and Fort Leavenworth Water Company.

March 2, 1889.

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 and directed to lease to the Leavenworth City and Fort Leavenworth Water Company the following described tract of land in the military reservation at Fort Leavenworth, in the State of Kansas:

Fort Leavenworth, Kans.

Land leased to Leavenworth, etc., Water Company.

Beginning at the north-west corner of the twenty acre tract of land formerly in said military reservation granted to the Leavenworth Coal Company by the act of Congress approved July twentieth, eighteen hundred and sixty-eight; thence north in extension of the west line of said twenty acre tract five hundred feet; thence east parallel to the north line of said twenty acre tract eight hundred and twenty feet, more or less, to the railroad right of way; thence southerly on the west line of said right of way five hundred and three feet, more or less, to the north line of the said twenty acre tract; thence west on the said north line to the place of beginning, containing nine and three-fourths acres, more or less, reserving to the United States or assigns the coal, or royalty for the coal, underlying said lands, for the purpose of constructing and maintaining thereon a reservoir and such other works as may be necessary to enable said company to supply the troops at Fort Leavenworth, and its other patrons, with pure water: *Provided*, That the company shall have the free and uninterrupted use of said tract of land for the purposes above named, under the direction and control of the Secretary of War, so long as it is so used, and that when they cease to occupy and use it for such purposes the lease shall be null and void.

Boundaries.

Vol. 15, p. 392.

Proviso.

Reversion.

SEC. 2. That the act of Congress entitled "An act to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas, approved the sixth day of June, anno Domini eighteen hundred and eighty-eight, be, and the same is hereby, repealed.

Former act repealed.

Ante, p. 170.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Effect.

Approved, March 2, 1889.

CHAP. 384.—An act to authorize the Omaha, Dodge City and Southern Railway Company to build its road across the Fort Hays Military Reservation.

March 2, 1889.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Omaha, Dodge City and Southern Railway Company, a corporation in the State of Kansas, be, and is hereby, granted a right of way, not to exceed one hundred feet in width, across the Fort Hays Military Reservation, upon such line as may be approved by the Secretary of War.

Omaha, Dodge City and Southern Railway Company granted right of way across Fort Hays Reservation.

Approved, March 2, 1889.