

suspend the use of said road whenever, in the judgment of the Secretary of War, the exigency arises that should require such action for public defense, or otherwise, or whenever Congress may determine other disposition of said tract, without any claim for compensation to said citizens of Sausalito for improvement thereon or damage on account thereof.

Approved, July 2, 1894.

CHAP. 122.—An Act To amend section thirteen hundred and seventy-nine, chapter one, Title Fifteen, Revised Statutes of the United States, in relation to appointments of assistant paymasters in the Navy.

July 3, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitation as to age contained in section thirteen hundred and seventy-nine of the Revised Statutes of the United States, relating to appointment of assistant paymasters in the United States Navy to fill vacancies that may now or hereafter exist in said grade, shall not apply to such of the graduates of the Naval Academy as were at sea upon duty at the time of the passage and approval of the Act of Congress approved August fifth, eighteen hundred and eighty-two, who were discharged thereunder at the end of their two years' cruise, after passing successfully all the examinations required of them: And provided further, That this amendment shall not be construed as giving any preference in said appointment of assistant paymasters to said graduates except as to waiving the limitation of age.

Navy.

Age limitation for assistant paymasters, not applicable to certain graduates of Naval Academy.

Vol. 22, p. 284.

Proviso.
Only age limit waived.

Approved, July 3, 1894.

CHAP. 123.—An Act To provide that a term of the circuit and district court of the United States for the district of Vermont may be held at Montpelier.

July 3, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter in each year one of the stated terms of the circuit and district court for the district of Vermont may, when adjourned, be adjourned to meet at Montpelier.

SEC. 2. That all Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved, July 3, 1894.

Vermont judicial district.
Terms, Montpelier.
R. S., sec. 572, p. 101;
sec. 658, p. 122.

CHAP. 125.—An Act Granting to the Brainerd and Northern Minnesota Railway Company a right of way through the Leech Lake Indian Reservation in the State of Minnesota.

July 6, 1894.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Brainerd and Northern Minnesota Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and to its assigns, the right of way for the extension of its railroad, with necessary side tracks and switch tracks, and for a telegraph and telephone line, through the Leech Lake Indian Reservation in said State, commencing at a point in the south line of said Indian reservation and extending northwesterly through sections thirteen, twelve, one, and two, of township one hundred and forty-one, range thirty-one, to a point in the west line of said reservation in said section two, with the right to load logs on said railroad at the points in said reservation where the same may run adjacent or contiguous to the waters of Leech Lake. Such right of way shall be fifty feet in width on each side of the central line of said railroad, and said company shall also have the right to take from the lands adjacent to the line of said road material, stone, and earth necessary for the construction of said railroad; also

Brainerd and Northern Minnesota Railway Company granted right of way, Leech Lake Indian Reservation, Minn.

Location.

Width, etc.

Stations, etc.

grounds adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed in amount two hundred feet in width and three thousand feet in length for each station, and to an extent not exceeding one station within the limits of said reservation: *Provided*, That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction and convenient operation of said railroad line, and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall be taken.

Proviso.
Use limited.

Damages to individual
owners.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvement held by individual occupants according to any treaties or laws of the United States, compensation shall be made such occupant or claimant for all property to be taken or damage done by reason of the construction of said railroad. In case of failure to make satisfactory settlement with any such claimant, the United States district court at Saint Paul or Duluth, Minnesota, shall have jurisdiction upon petition of either party to determine such just compensation in accordance with the laws of Minnesota provided for determining the damage when property is taken for railroad purposes; and the amount of damages resulting to the tribe or tribes of Indians pertaining to said reservation in their tribal capacity, by reason of the construction of said railroad through such lands of the reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval: *Provided, however*, That said railroad company may file with the Secretary of the Interior a bond, in such amount and with such sureties as the Secretary shall approve, conditioned for the payment of just compensation for said right of way to said individual occupants and to said tribe or tribes, as hereinbefore provided, and said company may thereupon proceed to construct and operate its railroad across said reservation.

Damages to tribes.

Proviso.
Work may begin on
filing bond.

Maps to be filed.

SEC. 3. That said company shall cause maps, showing the route of its line through said reservation, and including the grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, to be filed in the office of the Secretary of the Interior before constructing any portion of said railroad.

Survey.

SEC. 4. That said company is hereby authorized to enter upon said reservation for the purpose of surveying and locating its line of railroad: *Provided*, That said railroad shall be located and constructed with due regard to the rights of the Indians, and under such rules and regulations as the Secretary of the Interior shall prescribe.

Proviso.
Rights of Indians.

Construction.

SEC. 5. That the right herein granted shall be forfeited by said company, unless the road shall be constructed through the said reservation within three years after the passage of this Act.

Approved, July 6, 1894.

July 6, 1894.

CHAP. 126—An Act Granting to the State of North Dakota certain lands heretofore set apart as a wood reservation for Fort Totten military reservation, for the use of the militia of North Dakota, and for other purposes.

North Dakota.
Portion of Fort Tot-
ten reservation set
apart for militia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and empowered to set apart all that part of the wooded reservations set apart for the use and benefit of Fort Totten military reservation by executive order dated February tenth, eighteen hundred and eighty-one, described as follows, namely: "That portion of the tract known as Rock Island, bounded on the north by an east and west line, two miles back or north of the southeasternmost point of said island or peninsula;" said tract being the southernmost point of the peninsula on the north side of Devils Lake in North Dakota, known as Rock Island, for the use of the State of North Dakota, to be