

Lights, etc.

expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe

Notification of approval.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving such plan and other information, and upon being satisfied that a bridge so built will conform to the requirements of this act, to notify the company or corporation authorized to build the same that he approves of the same; and upon receiving such notification the said company or corporation may proceed to erect said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

Lawful structure and post-route.

SEC. 4. That said bridge and accessory works, when built and constructed under this act and according to the terms and limitations thereof, shall be lawful structures; and said bridge shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-routes in the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge.

Postal telegraph.

SEC. 5. That the United States shall have the right of way for such postal telegraph lines across said bridge as the Government may construct or control, and equal privileges in the use of said bridge shall be granted to all telegraph companies.

Amendment, etc.

SEC. 6. That Congress shall have power at any time to alter, amend, or repeal this act, and the Secretary of War, whenever he deems it necessary, may cause the owners of said bridge to remove all material and substantial obstructions to the navigation of said river by the construction of said bridge and its accessory works, or to prevent such obstructions; and the expense of altering said bridge or removing such obstructions shall be at the expense of the owners of such bridge.

Commencement and completion.

SEC. 7. That this act shall be null and void if construction of said bridge shall not be commenced within two years and be finished within four years from its passage.

Approved, March 2, 1889.

March 2, 1889.

CHAP. 377.—An act providing in certain cases for the forfeiture of wagon-road grants in the State of Oregon.

Preamble.

Whereas the United States have heretofore made various grants of public lands to aid in the construction of different wagon-roads in the State of Oregon, and upon the condition that such roads should be completed within prescribed times; and

Whereas said grants were transferred by said State to sundry corporations, who were authorized by the State to construct such wagon-roads and to receive therefor the grants of lands thus made; and

Whereas the Department of the Interior certified portions of said lands to the State of Oregon upon the theory that said roads had been completed as required by the granting acts of Congress, and upon the certificate of the governor of the State of Oregon as to such completion; and

Whereas the legislature of the State of Oregon has memorialized Congress and therein alleged that certain of said wagon-roads, in whole or in part, were not so completed, and that to the extent of the lands coterminous with unconstructed portions the certifications

thereof by the Department of the Interior were unauthorized and illegal: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby made the duty of the Attorney-General, within six months after the passage of this act, to cause suit or suits to be brought, in the name of the United States, in the United States circuit court for the district of Oregon, against all persons, firms, and corporations claiming to own or to have an interest in the lands granted to the State of Oregon by the following enumerated acts of Congress, to wit:

Oregon.
Forfeiture of wagon-road grants.

“An act granting lands to the State of Oregon to aid in the construction of a military road from Eugene City to the eastern boundary of said State,” approved July second, eighteen hundred and sixty-four;

Vol. 13, p. 355.

“An act granting lands to the State of Oregon to aid in the construction of a military road from Albany, Oregon, to the eastern boundary of said State,” approved July fifth, eighteen hundred and sixty-six;

Vol. 14, p. 89.

“An act granting lands to the State of Oregon to aid in the construction of a military wagon-road from Dalles City, on the Columbia River, to Fort Boise, on the Snake River,” approved February twenty-fifth, eighteen hundred and sixty-seven;

Vol. 14, p. 409.

To determine the questions of the seasonable and proper completion of said roads in accordance with the terms of the granting acts, either in whole or in part, the legal effect of the several certificates of the governors of the State of Oregon of the completion of said roads, and the right of resumption of such granted lands by the United States, and to obtain judgments, which the court is hereby authorized to render, declaring forfeited to the United States all of such lands as are coterminous with the part or parts of either of said wagon-roads which were not constructed in accordance with requirements of the granting acts, and setting aside patents which have issued for any such lands, saving and preserving the rights of all bona fide purchasers of either of said grants or of any portion of said grants for a valuable consideration, if any such there be. Said suit or suits shall be tried and adjudicated in like manner and by the same principles and rules of jurisprudence as other suits in equity are therein tried, with right to writ of error or appeal by either or any party as in other cases; and if any person, firm, or corporation having or claiming an interest in any of said lands shall be made defendant in such suit or suits, and in the judgment of the said court be a necessary or proper party defendant, and shall not be an inhabitant of or found within the said district, and shall not voluntarily appear thereto, it shall be lawful for the court to make an order directing said absent defendant or defendants to appear, plead, answer, or demur by a day certain to be designated, which order shall be served upon such absent defendant or defendants in the manner provided by section eight of an act entitled “An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from state courts, and for other purposes,” approved March third, eighteen hundred and seventy-five: *Provided*, That in the said circuit court, said suit or suits shall be advanced to hearing in preference to all other civil cases on the dockets: *And provided further*, That no right of appeal shall exist after six months from the entering of a final decree in said circuit court.

Suit to be brought to determine if construction were in specified time.

Rights of bona fide purchasers.

Proceedings.

Absent defendants.

Vol. 18, p. 472.

Provisos.
Advance.

Appeal.

SEC. 2. That the State of Oregon, and any person or corporation claiming any interest under or through the grants aforesaid in the lands to be affected by said suit or suits, and whether made a party thereto or not, may intervene therein by sworn petition to defend his interest therein, as against the United States, or against each other, and affecting the said question of forfeiture, and may, upon such petition for intervention, also put in issue and have adjudicated and

Oregon and party interested may intervene.

Restoration of forfeited lands.

Patents if grants declared valid.

Proviso.

Actual settlers not disturbed.

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

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.

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

Location.

Width.

Stations.

Compensation to Indians.

Consent of Indians.

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 south-westerly course between the Cheyenne and Moreau Rivers to the city of Deadwood, Dakota.

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.

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