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ACTS OF CONGRESS.

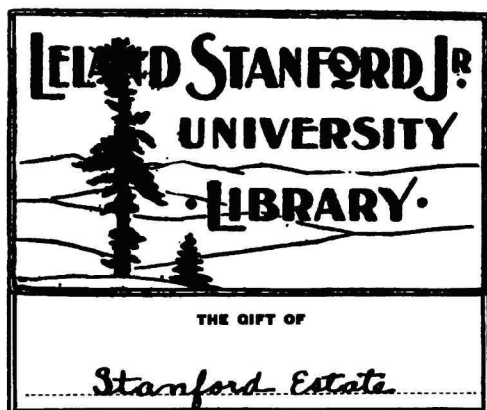
Central Pacific Railroad.

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THE
PACIFIC RAILROAD
ACTS OF CONGRESS,
AND AMENDMENTS,

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New York, 1876.



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PACIFIC RAILROAD ACTS.

ACT OF 1862.

An Act to aid in the construction of a Rail Road and Telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for Postal, Military, and other purposes, approved July 1, 1862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That Walter S. Burgess, William P. Blodget, Benjamin H. Cheever, Charles Fosdick Fletcher, of Rhode Island; Augustus Brewster, Henry P. Haven, Cornelius S. Bushnell, Henry Hammond, of Connecticut; Isaac Sherman, Dean Richmond, Royal Phelps, William H. Ferry, Henry A. Paddock, Lewis J. Stancliff, Charles A. Secor, Samuel R. Campbell, Alfred E. Tilton, John Anderson, Azariah Boody, John S. Kennedy, H. Carver, Joseph Field, Benjamin F. Camp, Orville W. Childs, Alexander J. Bergen, Ben. Holliday, D. N. Barney, S. De Witt Bloodgood, William H. Grant, Thos. W. Olcott, Samuel B. Ruggles, James B. Wilson, of New York; Ephraim Marsh, Charles M. Harker, of New Jersey; John Edgar Thompson, Benjamin Haywood, Joseph H. Scranton, Joseph Harrison, George W. Cass, John H. Bryant, Daniel J. Morell, Thomas M. Howe, William F. Johnson, Robert Finney, John A. Green, E. R. Myre, Charles F. Wells, Jr., of Pennsylvania; Noah L. Wilson, Amasa Stone, William H. Clement, S. S. L'Hommedieu, John Brough, William Dennison, Jacob Blickinsderfer, of Ohio; William M. McPherson, R. W. Wells, Willard P. Hall, Armstrong Beatty, John Corby, of Missouri; S. J. Hensley, Peter Donahue, C. P. Huntington, T. D. Judah, James Bailey, James T. Ryan,

Charles Hosmer, Charles Marsh, D. O. Mills, Samuel Bell, Louis McLane, George W. Mowe, Charles McLaughlin, Timothy Dame, John R. Robinson, of California; John Atchison and John D. Winters, of the Territory of Nevada; John D. Campbell, R. N. Rice, Charles A. Trowbridge and Ransom Gardner, Charles W. Penny, Charles T. Gorham, William McConnell, of Michigan; William F. Coolbaugh, Lucius H. Langworthy, Hugh T. Reid, Hoyt Sherman, Lyman Cook, Samuel R. Curtis, Lewis A. Thomas, Platt Smith, of Iowa; William B. Ogden, Charles G. Hammond, Henry Farnum, Amos C. Babcock, W. Seldon Gale, Nehemiah Bushnell, and Lorenzo Bull, of Illinois; William H. Swift, Samuel T. Dana, John Bertram, Franklin S. Stevens, Edward R. Tinker, of Massachusetts; Franklin Gorin, Laban J. Bradford and John T. Levis, of Kentucky; James Dunning, John M. Wood, Edwin Noyes, Joseph Eaton, of Maine; Henry H. Baxter, George W. Collamer, Henry Keyes, Thomas H. Canfield, of Vermont; William S. Ladd, A. M. Berry, Benjamin F. Harding, of Oregon; William Bunn, junior, John Catlin, Levi Sterling, John Thompson, Elihu L. Phillips, Walter D. McIndoe, T. B. Stoddard, E. H. Broadhead, A. H. Virgin, of Wisconsin; Charles Paine, Thomas A. Morris, David C. Brandham, Samuel Hanna, Jonas Votaw, Jessie L. Williams, Isaac C. Elston, of Indiana; Thomas Swan, Chauncey Brooks, Edward Wilkins, of Maryland; Francis R. E. Cornell, David Blakely, A. D. Seward, Henry A. Swift, Dwight Woodbury, John McKusick, John R. Jones, of Minnesota; Joseph A. Gilmore, Charles W. Woodman, of New Hampshire; W. H. Grimes, J. C. Stone, Chester Thomas, John Kerr, Werter R. Davis, Luther C. Challis, Josiah Miller, of Kansas; Gilbert C. Monell, and Augustus Kountz, T. M. Marquette, William H. Taylor, Alvin Saunders, of Nebraska; John Evans, of Colorado; together with five commissioners to be appointed by the Secretary of the Interior, and all persons who shall or may be associated with them, and their successors, are hereby created and erected into a body corporate and politic in deed and in law, by the name, style, and title of "The Union Pacific Rail Road Company;" and by that name shall have perpetual succession, and shall be able to sue and to be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal; and the said corporation is hereby authorized and empowered to lay out,

Same and Title.

locate, construct, furnish, maintain, and enjoy a continuous rail road and telegraph, with the appurtenances, from a point on the one-hundredth meridian of longitude west from Greenwich, between the south margin of the valley of the Republican river and the north margin of the valley of the Platte river, in the Territory of Nebraska, to the western boundary of Nevada Territory, upon the route and terms hereinafter provided, and is hereby vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this act as herein set forth. The capital stock of said company shall consist of one hundred thousand shares of one thousand dollars each, which shall be subscribed for and held in not more than two hundred shares by any one person, and shall be transferable in such manner as the by-laws of said corporation shall provide. The persons hereinbefore named, together with those to be appointed by the Secretary of the Interior, are hereby constituted and appointed commissioners, and such body shall be called the Board of Commissioners of the Union Pacific Rail Road and Telegraph Company, and twenty-five shall constitute a quorum for the transaction of business. The first meeting of said Board shall be held at Chicago, at such time as the commissioners from Illinois herein named shall appoint, not more than three nor less than one month after the passage of this act, notice of which shall be given by them to the other commissioners by depositing a call thereof in the post office at Chicago, post paid, to their address, at least forty days before said meeting, and also by publishing said notice in one daily newspaper in each of the cities of Chicago and St. Louis. Said board shall organize by the choice from its number of a president, secretary, and treasurer, and they shall require from said treasurer such bonds as may be deemed proper, and may from time to time increase the amount thereof as they may deem proper. It shall be the duty of said Board of Commissioners to open books, or cause books to be opened, at such times and in such principal cities in the United States as they or a quorum of them shall determine, to receive subscriptions to the capital stock of said corporation, and a cash payment of ten per centum on all subscriptions, and to receipt therefor. So soon as two thousand shares shall be in good faith subscribed for, and ten dollars per share actually paid into the treasury of the company, the said president and secretary of said Board of Commissioners shall appoint a time and place for the first meet-

Location, &c.

Amt. and number of Shares of Stock altered in Sec. 1. Act 1864.

Comrs how appointed and to hold meeting.

Treasurer to give Bonds, &c.

Books to be kept open. See Sec. 1. 1864.

Comrs to call meeting of stock holders.

To elect Directors.
See Sec. 13, Act of
1864.

Books and Property
to be delivered to
Directors.

Two Directors to be
appointed by the
President of the U.
S.

By Act of 1864 al-
tered to 5, Sec. 13,
1864.

Amended by Sec. 1
1864.

Company to make
By-Laws.

Directors to appoint
agents, &c.

ing of the subscribers to the stock of said company, and shall give notice thereof in at least one newspaper in each State in which subscription books have been opened, at least thirty days previous to the day of meeting, and such subscribers as shall attend the meeting so called, either in person or by proxy, shall then and there elect by ballot not less than thirteen directors for said corporation; and in such election each share of said capital shall entitle the owner thereof to one vote. The president and secretary of the board of commissioners shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at said meeting; and the said commissioners, treasurer, and secretary shall then deliver over to said directors all the properties, subscription books, and other books in their possession, and thereupon the duties of said commissioners and the officers previously appointed by them shall cease and determine forever, and thereafter the stockholders shall constitute said body politic and corporate. At the time of the first and each triennial election of directors by the stockholders, two additional directors shall be appointed by the President of the United States, who shall act with the body of directors, and to be denominated directors on the part of the Government; any vacancy happening in the Government directors at any time may be filled by the President of the United States. The directors to be appointed by the President shall not be stockholders in the Union Pacific Rail Road Company. The directors so chosen shall, as soon as may be after their election, elect from their own number a president and vice-president, and shall also elect a treasurer and secretary. No person shall be a director in said company unless he shall be a bona fide owner of at least five shares of stock in said company, except the two directors to be appointed by the President, as aforesaid. Said company, at any regular meeting of the stockholders called for that purpose, shall have power to make by-laws, rules, and regulations, as they shall deem needful and proper, touching the disposition of the stock, property, estate, and effects of the company, not inconsistent herewith, the transfer of shares, the term of office, duties, and conduct of their officers and servants, and all matters whatsoever which may appertain to the concerns of said company; and the said board of directors shall have power to appoint such engineers, agents, and subordinates as may from time to time be necessary to carry into effect the object of this act, and to do all

acts and things touching the location and construction of said road and telegraph. Said directors may require payment of subscriptions to the capital stock after due notice, at such times and in such proportions as they shall deem necessary to complete the rail road and telegraph within the time in this act prescribed. Said president, vice-president, and directors shall hold their office for three years, and until their successors are duly elected and qualified, or for such less time as the by-laws of the corporation may prescribe; and a majority of said directors shall constitute a quorum for the transaction of business. The secretary and treasurer shall give such bonds, with such security, as the said board shall from time to time require, and shall hold their offices at the will and pleasure of the directors. Annual meetings of the stockholders of the said corporation, for the choice of officers (when they are to be chosen) and for the transaction of annual business, shall be holden at such time and place and upon such notice as may be prescribed in the by-laws.

Directors to require payment of subscriptions. Sec. 2, Act of 1864.

Officers to hold for three years, altered by Sec. 13, 1864.

SEC. 2. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said company for the construction of said rail road and telegraph line; and the right, power, and authority is hereby given to said company to take from the public lands adjacent to the line of said road, earth, stone, timber, and other materials for the construction thereof; said right of way is granted to said rail road to the extent of two hundred feet in width on each side of said rail road where it may pass over the public lands, including all necessary grounds for stations, buildings, workshops, and depots, machine shops, switches, side tracks, turntables, and water stations. The United States shall extinguish as rapidly as may be, the Indian titles to all lands falling under the operation of this act, and required for the said right of way and grants hereinafter made.

Right of way granted.

See Sec. 3, 1864.

U. S. to extinguish Indian titles. Sec. 13, 1864.

SEC. 3. *And be it further enacted*, THAT THERE BE, AND IS HEREBY, GRANTED TO THE SAID COMPANY, FOR THE PURPOSE OF AIDING IN THE CONSTRUCTION OF SAID RAIL ROAD AND TELEGRAPH LINE, AND TO SECURE THE SAFE AND SPEEDY TRANSPORTATION OF THE MAILS, TROOPS, MUNITIONS OF WAR, AND PUBLIC STORES THEREON, EVERY ALTERNATE SECTION OF PUBLIC LAND, DESIGNATED BY ODD NUMBERS, TO THE AMOUNT OF *five* ALTERNATE SECTIONS PER MILE ON EACH SIDE OF SAID RAIL ROAD, ON THE LINE THEREOF, AND WITHIN THE

Land Grants—alternate sections.

Changed to *five* by Sec. 4, 1864.

Changed to Twenty
Sec. 4, 1864.

Minerals and Tim-
ber. Sec. 4, 1864.

On completion of 40
miles (changed to
twenty by Sec. 6,
1864,) U. S. Com'rs
to examine.

And patents of land
to issue.

Vacancy in Com'rs
Sec. 8. Act of
1864.

LIMITS OF *ten* MILES ON EACH SIDE OF SAID ROAD, NOT SOLD, RESERVED, OR OTHERWISE DISPOSED OF BY THE UNITED STATES, AND TO WHICH A PRE-EMPTION OR HOMESTEAD CLAIM MAY NOT HAVE ATTACHED, AT THE TIME THE LINE OF SAID ROAD IS DEFINITELY FIXED: *provided*, That all *mineral lands* shall be excepted from the operation of this act; but where the same shall contain timber, the timber thereon is hereby granted to said company. And all such lands, so granted by this section, which shall not be sold or disposed of by said company within three years after the entire road shall have been completed, shall be subject to settlement and pre-emption, like other lands, at a price not exceeding one dollar and twenty-five cents per acre, to be paid to said company.

SEC. 4. *And be it further enacted*, That whenever said company shall have completed forty consecutive miles of any portion of said rail road and telegraph line, ready for the service contemplated by this act, and supplied with all necessary drains, culverts, viaducts, crossings, sidings, bridges, turnouts, watering places, depots, equipments, furniture, and all other appurtenances of a first class railroad, the rails and all the other irons used in the construction and equipment of said road to be American manufacture of the best quality, the President of the United States shall appoint three commissioners to examine the same and report to him in relation thereto; and if it shall appear to him that forty consecutive miles of said rail road and telegraph line have been completed and equipped in all respects as required by this act, then, upon certificate of said commissioners to that effect, patents shall issue conveying the right and title to said lands to said company, on each side of the road as far as the same is completed, to the amount aforesaid; and patents shall in like manner issue as each forty miles of said railroad and telegraph line are completed, upon certificate of said commissioners. Any vacancies occurring in said board of commissioners by death, resignation, or otherwise, shall be filled by the President of the United States: *provided, however*, That no such commissioners shall be appointed by the President of the United States unless there shall be presented to him a statement, verified on oath by the president of said company, that such forty miles have been completed, in the manner required by this act, and setting forth with certainty the points where such forty miles begin and where the same end; which oath shall be taken *before a judge of a court or record*.

SEC. 5. *And be it further enacted*, THAT FOR THE PURPOSES HEREIN MENTIONED, THE SECRETARY OF THE TREASURY SHALL, UPON THE CERTIFICATE IN WRITING OF SAID COMMISSIONERS OF THE COMPLETION AND EQUIPMENT OF FORTY CONSECUTIVE MILES OF SAID RAIL ROAD AND TELEGRAPH, IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT, ISSUE TO SAID COMPANY BONDS OF THE UNITED STATES OF ONE THOUSAND DOLLARS EACH, PAYABLE IN THIRTY YEARS AFTER DATE, BEARING SIX PER CENTUM PER ANNUM INTEREST; (SAID INTEREST PAYABLE SEMI-ANNUALLY,) WHICH INTEREST MAY BE PAID IN UNITED STATES TREASURY NOTES OR ANY OTHER MONEY OR CURRENCY WHICH THE UNITED STATES HAVE OR SHALL DECLARE LAWFUL MONEY AND A LEGAL TENDER, TO THE AMOUNT OF SIXTEEN OF SAID BONDS PER MILE FOR SUCH SECTION OF FORTY MILES; AND TO SECURE THE REPAYMENT TO THE UNITED STATES, AS HEREINAFTER PROVIDED, OF THE AMOUNT OF SAID BONDS SO ISSUED AND DELIVERED TO SAID COMPANY, TOGETHER WITH ALL INTEREST THEREON WHICH SHALL HAVE BEEN PAID BY THE UNITED STATES, THE ISSUE OF SAID BONDS AND DELIVERY TO THE COMPANY SHALL IP SO FACTO CONSTITUTE A FIRST MORTGAGE ON THE WHOLE LINE OF THE RAIL ROAD AND TELEGRAPH, TOGETHER WITH THE ROLLING STOCK, FIXTURES, AND PROPERTY OF EVERY KIND AND DESCRIPTION, AND IN CONSIDERATION OF WHICH SAID BONDS MAY BE ISSUED; and on the refusal or failure of the said company to redeem said bonds, or any part of them, when required so to do by the Secretary of the Treasury, in accordance with the provisions of this act, the said road, with all the rights, functions, immunities, and appurtenances thereunto belonging, and also all lands granted to the said company by the United States, which, at the time of said default, shall remain in the ownership of the said company, may be taken possession of by the Secretary of the Treasury, for the use and benefit of the United States: *Provided*, this section shall not apply to that part of any road now constructed.

Government bonds.
see Sec. 8, Act 1864,
also Sec. 18.

Now 20 miles Sec.
10, 1864.

See Sec. 11 of this
Act for \$32,000 and
\$48,000 per mile.

Lien of U. S.
Bonds made subor-
dinate; see Sec. 10,
Act of 1864.

See Sec. 10, Act
1864.

Modified, see Sec. 8
Act of 1864.

SEC. 6. *And be it further enacted*, That the grants aforesaid are made upon condition that said company shall pay said bonds at maturity, and shall keep said rail road and telegraph line in repair and use, and shall at all times transmit despatches over said telegraph line, and transport mails, troops, and munitions of war, supplies, and public stores upon said rail road for

Bonds, when and
how paid.

the government, whenever required to do so by any department thereof, and that the government shall at all times have the preference in the use of the same for all the purposes aforesaid, *(at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service ;)* and all compensation for services rendered for the government shall be applied to the payment of said bonds and interest until the whole amount is fully paid. Said company may also pay the United States, wholly or in part, in the same or other bonds, treasury notes, or other evidences of debt against the United States, to be allowed at par; and after said road is completed, until said bonds and interest are paid, at least five per centum of the net earnings of said road shall also be annually applied to the payment thereof.

Government, transportation—half to be paid in cash
See Sec. 5, Act of 1864.

Assent of Company to be filed, &c.

Time of completion extended; See Sec. 6, 1864.

See Sec. 4, Act of 1864. Map, &c. designating route to be filed, &c.

Lands designated, &c.

From 100th meridian to Nevada.

SEC. 7. *And be it further enacted*, That said Company shall file their assent to this act, under the seal of said Company, in the Department of the Interior, within one year after the passage of this act, and shall complete said railroad and telegraph from the point of beginning, as herein provided, to the western boundary of Nevada Territory, before the first day of July, one thousand eight hundred and seventy-four: *Provided*, That within two years after the passage of this act said Company shall designate the general route of said road, as near as may be, and shall file a map of the same in the Department of the Interior, whereupon the Secretary of the Interior shall cause the lands within fifteen miles of said designated route or routes to be withdrawn from pre-emption, private entry, and sale; and when any portion of said route shall be finally located, the Secretary of the Interior shall cause the said lands herein before granted to be surveyed and set off as fast as may be necessary for the purposes herein named; *Provided*, That in fixing the point of connection of the main trunk with the eastern connections it shall be fixed at the most practicable point for the construction of the Iowa and Missouri branches, as hereinafter provided.

SEC. 8. *And be it further enacted*, That the line of said railroad and telegraph shall commence at a point on the one hundredth meridian of longitude west from Greenwich, between the south margin of the valley of the Republican river and the north margin of the valley of the Platte river, in the territory of Nebraska, at a point to be fixed by the President of the

United States, after actual surveys; thence running westerly *upon the most direct, central, and practicable route*, through the Territories of the United States, to the western boundary of the Territory of Nevada, there to meet and connect with the line of the Central Pacific Rail Road Company of California.

See Sec. 10 of this Act.

SEC. 9. *And be it further enacted*, That the Leavenworth, Pawnee and Western Rail Road Company of Kansas are hereby authorized to construct a rail road and telegraph line from the Missouri river, at the mouth of the Kansas river, on the south side thereof, so as to connect with the Pacific Railroad of Missouri, to the aforesaid point on the one hundredth meridian of longitude west from Greenwich, as herein provided, upon the same terms and conditions in all respects as are provided in this act for the construction of the rail road and telegraph line first mentioned, and to meet and connect with the same at the meridian of longitude aforesaid; and in case the general route or line of road from the Missouri river to the Rocky Mountains should be so located as to require a departure northwardly from the proposed line of said Kansas rail road before it reaches the meridian of longitude aforesaid, the location of said Kansas road shall be made so as to confirm thereto; and said rail road through Kansas shall be so located between the mouth of the Kansas river, as aforesaid, and the aforesaid point on the one hundredth meridian of longitude, that the several rail roads from Missouri and Iowa, herein authorized to connect with the same, can make connection within the limits prescribed in this act, provided the same can be done without deviating from the general direction of the whole line to the Pacific coast. The route in Kansas west of the meridian of Fort Riley, to the aforesaid point on the one hundredth meridian of longitude to be subject to the approval of the President of the United States, and to be determined by him on actual survey. And said Kansas Company may proceed to build said rail road to the aforesaid point on the one hundredth meridian of longitude west from Greenwich, in the Territory of Nebraska.

Kansas Co. to construct road, &c.

THE CENTRAL PACIFIC RAIL ROAD COMPANY OF CALIFORNIA, A CORPORATION EXISTING UNDER THE LAWS OF THE STATE OF CALIFORNIA, ARE HEREBY AUTHORIZED TO CONSTRUCT A RAIL ROAD AND TELEGRAPH LINE FROM THE PACIFIC COAST, AT OR NEAR SAN FRANCISCO, OR THE NAVIGABLE WATERS OF THE SACRAMENTO RIVER, TO THE EASTERN BOUNDARY OF CAL-

Central Pacific R. R. Co., of California authorized to construct road on same terms and conditions.

IFORNIA, UPON THE SAME TERMS AND CONDITIONS, IN ALL RESPECTS, AS ARE CONTAINED IN THIS ACT FOR THE CONSTRUCTION OF SAID RAIL ROAD AND TELEGRAPH LINE FIRST MENTIONED, AND TO MEET AND CONNECT WITH THE FIRST MENTIONED RAIL ROAD AND TELEGRAPH LINE ON THE EASTERN BOUNDARY OF CALIFORNIA. EACH OF SAID COMPANIES SHALL FILE THEIR ACCEPTANCE OF THE CONDITIONS OF THIS ACT IN THE DEPARTMENT OF THE INTERIOR WITHIN SIX MONTHS AFTER THE PASSAGE OF THIS ACT.

Time of doing
work, &c.

Changed to 25
miles. See Sec.
5, Act 1864.

Companies may
unite in building,
on equal terms.
Sec. 15, 1864, also
Sec. 16 of this Act.

SEC. 10. *And be it further enacted*, That the said Company chartered by the State of Kansas shall complete one hundred miles of their said road, commencing at the mouth of the Kansas river, as aforesaid, within *two* years after filing their assent to the conditions of this act, as herein provided, and one hundred miles per year thereafter until the whole is completed; and the said Central Pacific Rail Road Company of California shall complete *fifty* miles of their said road within *two* years after filing their assent to the provisions of this act, as herein provided, and *fifty* miles per year thereafter until the whole is completed; and after completing their roads, respectively, *said companies, or either of them, may unite upon equal terms with the first named company in constructing so much of said rail road and telegraph line and branch rail roads and telegraph lines in this act herein-after mentioned, through the Territories from the State of California to the Missouri river, as shall then remain to be constructed, on the same terms and conditions as provided in this act in relation to the said Union Pacific Rail Road Company.* And the Hannibal and Saint Joseph Rail Road, the Pacific Rail Road Company of Missouri, and the first named Company or either of them, on filing their assent to this act as aforesaid, may unite upon equal terms, under this act, with the said Kansas Company, in constructing said rail road and telegraph, to said meridian of longitude, with the consent of the said State of Kansas; and in case said first named company shall complete their line to the eastern boundary of California, before it is completed across said State by the Central Pacific Rail Road Company of California, said first named Company is hereby authorized to continue in constructing the same through California, with the consent of said State, upon the terms mentioned in this act, until said roads shall meet and connect, *and the whole line of said rail road and telegraph is completed;*

AND THE CENTRAL PACIFIC RAIL ROAD COMPANY OF CALIFORNIA, AFTER COMPLETING ITS ROAD ACROSS SAID STATE, IS AUTHORIZED TO CONTINUE THE CONSTRUCTION OF SAID RAIL ROAD AND TELEGRAPH THROUGH THE TERRITORIES OF THE UNITED STATES TO THE MISSOURI RIVER, INCLUDING THE BRANCH ROADS SPECIFIED IN THIS ACT, UPON THE ROUTES HEREINBEFORE AND HEREINAFTER INDICATED, ON THE TERMS AND CONDITIONS PROVIDED IN THIS ACT IN RELATION TO THE SAID UNION PACIFIC RAIL ROAD COMPANY, UNTIL SAID ROADS SHALL MEET AND CONNECT, AND THE WHOLE LINE OF SAID RAIL ROAD AND BRANCHES AND TELEGRAPH IS COMPLETED.

Central Pacific R.
R. Co. may contin-
ue, &c. to meet oth-
er road.

Authority confirm-
ed. See Sec. 10,
Act of 1864, last
clause. Also Sec. 2,
1866.

SEC. 11. *And be it further enacted*, That for three hundred miles of said road most mountainous and difficult of construction, to wit: one hundred and fifty miles westwardly from the eastern base of the Rocky Mountains, and one hundred and fifty miles eastwardly from the western base of the Sierra Nevada mountains, said points to be fixed by the President of the United States, the bonds to be issued to aid in the construction thereof shall be *treble* the number per mile hereinbefore provided, and the same shall be issued, and the lands herein granted be set apart, upon the construction of every twenty miles thereof, upon the certificate of the commissioners as aforesaid that twenty consecutive miles of the same are completed; and between the sections last named of one hundred and fifty miles each, the bonds to be issued to aid in the construction thereof shall be *double* the number per mile first mentioned, and the same shall be issued, and the lands herein granted be set apart, upon the construction of every twenty miles thereof upon the certificate of the commissioners as aforesaid that twenty consecutive miles of the same are completed: *Provided*, That no more than fifty thousand of said bonds shall be issued under this act to aid in constructing the main line of said rail road and telegraph.

Subsidy bonds:
treble over
the Rocky and the
Sierra Nevada
Mountains.

Subsidy bonds:
double between
the Mountains.

SEC. 12. *And be it further enacted*, That whenever the route of said rail road shall cross the boundary of any State or Territory, or said meridian of longitude, the two companies meeting or uniting there shall agree upon its location at that point, with reference to the most direct and practicable through route, and in case of difference between them as to said location the President of the United States shall determine the said location; the companies named in each State and Territory to locate the

Location at State
lines and 100 merid-
ian.

Track to be of uniform width, &c.

To be used as continuous line, &c.

H. & St. J. road may be extended, &c.

road across the same between the points so agreed upon, except as herein provided. The track upon the entire line of rail road and branches shall be of uniform width, to be determined by the President of the United States, so that when completed, cars can be run from the Missouri river to the Pacific coast; the grades and curves shall not exceed the maximum grades and curves of the Baltimore and Ohio rail road; the whole line of said rail road and branches and telegraph shall be operated and used for all purposes of communication, travel and transportation, so far as the public and Government are concerned, as one connected continuous line; and the companies herein named in Missouri, Kansas and California, filing their assent to the provisions of this act, shall receive and transport all iron rails, chairs, spikes, ties, timber, and all materials required for constructing and furnishing said first mentioned line between the aforesaid point on the one hundredth meridian of longitude and western boundary of Nevada Territory, whenever the same is required by said first-named company, at cost, over that portion of the roads of said companies constructed under the provisions of this act.

SEC. 13. *And be it further enacted*, That the Hannibal and Saint Joseph Rail Road Company of Missouri may extend its roads from Saint Joseph, *via* Atchison, to connect and unite with the road through Kansas, upon filing its assent to the provisions of this act, upon the same terms and conditions in all respects, for one hundred miles in length next to the Missouri river, as are provided in this act for the construction of the rail road and telegraph line first mentioned, and may for this purpose use any rail road charter which has been or may be granted by the legislature of Kansas: *Provided*, that if actual survey shall render it desirable, the said company may construct their road, with the consent of the Kansas legislature, on the most direct and practicable route west from St Joseph, Missouri, so as to connect and unite with the road leading from the western boundary of Iowa at any point east of the one hundredth meridian of west longitude, or with the main trunk road at said point; but in no event shall lands or bonds be given to said company, as herein directed, to aid in the construction of their said road for a greater distance than one hundred miles. And the Leavenworth, Pawnee and Western Rail Road Company of Kansas may construct their road from Leavenworth to unite with the road through Kansas.

SEC. 14. *And be it further enacted,* That the said Union Pacific Rail Road Company is hereby authorized and required to construct a single line of rail road and telegraph from a point on the western boundary of the State of Iowa, to be fixed by the President of the United States, upon the most direct and practicable route, to be subject to his approval, so as to form a connection with the lines of said company at some point on the one hundredth meridian of longitude aforesaid, from the point of commencement on the western boundary of the State of Iowa, upon the same terms and conditions, in all respects, as are contained in this act for the construction of the said rail road and telegraph first mentioned; and the said Union Pacific Rail Road Company shall complete one hundred miles of the road and telegraph in this section provided for in two years after filing their assent to the conditions of this act, as by the terms of this act required, and at the rate of one hundred miles per year thereafter, until the whole is completed: *Provided,* that a failure upon the part of said company to make said connection in the time aforesaid, and to perform the obligations imposed on said company by this section, and to operate said road in the same manner as the main line shall be operated, shall forfeit to the Government of the United States all the rights, privileges, and franchises granted to and conferred upon said company by this act. And whenever there shall be a line of rail road completed through Minnesota or Iowa to Sioux City, then the said Pacific Rail Road Company is hereby authorized and required to construct a rail road and telegraph from said Sioux City upon the most direct and practicable route to a point on, and so as to connect with, the branch rail road and telegraph in this section hereinbefore mentioned, or with the said Union Pacific Rail Road, said point of junction to be fixed by the President of the United States, not further west than the one hundredth meridian of longitude aforesaid, and on the same terms and conditions as provided in this act for the construction of the Union Pacific Rail Road as aforesaid, and to complete the same at the rate of one hundred miles per year; and should said company fail to comply with the requirements of this act in relation to the said Sioux City rail road and telegraph, the said company shall suffer the same forfeitures prescribed in relation to the Iowa branch rail road and telegraph hereinbefore mentioned.

Iowa Road. from
Sioux City.

U. P. R. R. Co. re-
quired to construct
Sioux City road.
See Sec. 16, Act of
1864.

SEC. 15. *And be it further enacted,* That any other rail road

Other Companies
may connect, &c.

company now incorporated, or hereafter to be incorporated, shall have the right to connect their road with the road and branches provided for by this act, at such places and upon such just and equitable terms as the President of the United States may prescribe. Wherever the word company is used in this act, it shall be construed to embrace the words their associates, successors and assigns, the same as if the words had been properly added thereto.

Word Company
explained.

Companies author-
ized to Consolidate
See Sec. 16, Act of
1864. Also Sec. 10
of this Act.

SEC. 16. *And be it further enacted*, That at any time after the passage of this act all of the rail road companies named herein, and assenting hereto, or any two or more of them, are authorized to form themselves into one consolidated company; notice of such consolidation, in writing, shall be filed in the Department of the Interior. and such consolidated company shall thereafter proceed to construct said rail road and branches and telegraph line, upon the terms and conditions provided in this act.

Congress may com-
pel speedy comple-
tion of Road.

SEC. 17. *And be it further enacted*, That in case said company or companies shall fail to comply with the terms and conditions of this act, by not completing said road and telegraph and branches within a reasonable time, or by not keeping the same in repair and use, but shall permit the same for an unreasonable time to remain unfinished or out of repair and unfit for use, Congress may pass any act to insure the speedy completion of said road and branches, or put the same in repair and use, and may direct the income of said rail road and telegraph line to be thereafter devoted to the use of the United States, to repay all such expenditures caused by the default and neglect of such company or companies: *Provided*, That if said roads are not completed, so as to form a continuous line of rail road, ready for use, from the Missouri river to the navigable waters of the Sacramento river, in California, by the first day of July, eighteen hundred and seventy-six, the whole of all said rail roads before mentioned, and to be constructed under the provisions of this act, together with all their furniture, fixtures, rolling stock, machine shops, lands tenements, and hereditaments, and property of every kind and character, shall be forfeited to and be taken possession of by the United States; *Provided*, That of the bonds of the United States in this act provided to be delivered for any and all parts of the roads to be constructed east of the one hundredth meridian of west longitude from Greenwich, and for

Main line to be fin-
ished in 1867. See
Secs. 5 and 7, Act of
1864.

any part of the road west of the west foot of the Sierra Nevada mountains, there shall be reserved of each part and instalment twenty-five per centum, to be and remain in the United States Treasury, undelivered, until said road, and all parts thereof provided for in this act, are entirely completed; and of all the bonds provided to be delivered for the said road, between the two points aforesaid, there shall be reserved out of each instalment fifteen per centum, to be and remain in the Treasury until the whole of the road provided for in this act is fully completed; and if the said road, or any part thereof, shall fail of completion at the time limited therefor in this act, then and in that case the said part of said bonds so reserved shall be forfeited to the United States.

Repeated. See Sec.
7, Act 1864.

SEC. 18. *And be it further enacted*, That whenever it appears that the net earnings of the entire road and telegraph, including the amount allowed for services rendered for the United States, after deducting all expenditures—including repairs and the furnishing, running and managing of said road—shall exceed ten per centum upon its cost, (exclusive of the five per centum to be paid to the United States,) Congress may reduce the rates of fare thereon, if unreasonable in amount, and may fix and establish the same by law. And the better to accomplish the object of this act—namely, to promote the public interest and welfare by the construction of said rail road and telegraph line, and keeping the same in working order, and to secure to the Government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, Congress may at any time—having due regard for the rights of said companies named herein—add to, alter, amend, or repeal this act.

Under certain circumstances Congress may reduce rates of fare.

SEC. 19. *And be it further enacted*, That the several rail road companies herein named are authorized to enter into an arrangement with the Pacific Telegraph Company, the Overland Telegraph Company, and the California State Telegraph Company, so that the present line of telegraph between the Missouri river and San Francisco may be moved upon or along the line of said rail road and branches as fast as said roads and branches are built; and if said arrangement be entered into, and the transfer of said telegraph line be made in accordance therewith to the line of said rail road and branches, such transfer shall, for all purposes of this act, be held and considered a fulfillment,

May arrange with
Telegraph Companies
now existing.

See Sec. 15, Act of
1864.

on the part of said rail road companies, of the provisions of this act in regard to the construction of said line of telegraph. And in case of disagreement, said telegraph companies are authorized to remove their line of telegraph along and upon the line of rail road herein contemplated, without prejudice to the rights of said rail road companies named herein.

Companies to make
Annual Report.

SEC. 20. *And be it further enacted,* That the corporation hereby created and the roads connected therewith under the provisions of this act, shall make to the Secretary of the Treasury an annual report, wherein shall be set forth :

First. The names of the stockholders and their places of residence, so far as the same can be ascertained.

Second. The names and residences of the directors, and all other officers of the company.

Third. The amount of stock subscribed, and the amount thereof actually paid in.

Fourth. A description of the lines of road surveyed, of the lines thereof fixed upon for the construction of the road, and the cost of such survey.

Fifth. The amount received from passengers on the road.

Sixth. The amount received for freight thereon.

Seventh. A statement of the expense of said road and its fixtures.

Eighth. A statement of the indebtedness of said company, setting forth the various kinds thereof; which report shall be sworn to by the president of the said company, and shall be presented to the Secretary of the Treasury on or before the first day of July in each year.

ACT OF 1863.

AN ACT

**TO ESTABLISH THE GAUGE OF THE PACIFIC
RAILROAD AND ITS BRANCHES.**

[*Chap. CXII.*]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the gauge of the Pacific Rail Road and its branches throughout their whole extent, from the Pacific coast to the Missouri river, shall be, and hereby is, established at four feet, eight and one-half inches.

Gauge to be 4 feet,
8 1-2 inches

Approved, March 3. 1863.

AMENDMENT OF 1864.

AN ACT

To amend an Act entitled "An Act to aid in the construction of a Rail Road and Telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for Postal, Military, and other purposes," approved July first, eighteen hundred and sixty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the capital stock of the company entitled the Union Pacific Rail Road Company, authorized by the act of which this act is amendatory, shall be in shares of one hundred dollars, instead of one thousand dollars, each; that the number of shares shall be one million, instead of one hundred thousand; and that the number of shares which any person shall hold to entitle him to serve as a director in said company (except the five directors to be appointed by government) shall be fifty shares, instead of five shares; and that every subscriber to said capital stock for each share of one thousand dollars, heretofore subscribed, shall be entitled to a certificate for ten shares of one hundred dollars each; and that the following words in section first of said act: "which shall be subscribed for and held in not more than two hundred shares by any one person," be, and the same are hereby repealed.

Shares of U. P. R. R.
Co. changed from
\$1000 to \$100.

SEC. 2. *And be it further enacted, That the Union Pacific Rail Road Company shall cause books to be kept open to receive subscriptions to the capital stock of said company, (until the entire capital of one hundred millions of dollars shall be subscribed,) at the general office of said company in the city of*

Books to be kept
open in several
offices, 1860, Sec. 2.

New York, and in each of the cities of Boston, Philadelphia, Baltimore, Chicago, Cincinnati, and St. Louis, at such places as may be designated by the President of the United States, and in such other localities as may be directed by him. No subscription for said stock shall be deemed valid unless the subscriber therefor shall, at the time of subscribing, pay or remit to the treasurer of the company an amount per share subscribed by him equal to the amount per share previously paid by the then existing stockholders. The said company shall make assessments upon its stockholders of not less than five dollars per share, and at intervals of not exceeding six months from and after the passage of this act, until the par value of all shares subscribed shall be fully paid; and money only shall be receivable for any such assessment, or as equivalents for any portion of the capital stock hereinbefore authorized. The capital stock of said company shall not be increased beyond the actual cost of said road. And the stock of the company shall be deemed personal property, and shall be transferable on the books of the company, at the general office of said company in the City of New York, or at such other transfer office as the company may establish.

Additional right of way granted. See Sec. 2, 1862.

SEC. 3. *And be it further enacted*, That the Union Pacific Rail Road Company, and all other companies provided for in this act and the act to which this is an amendment be, and hereby are, empowered to enter upon, purchase, take, and hold any lands or premises that may be necessary and proper for the construction and working of said road, not exceeding in width one hundred feet on each side of its centre line, unless a greater width be required for the purpose of excavation or embankment; and also any lands or premises that may be necessary and proper for turnouts, standing places for cars, depots, station houses, or any other structures required in the construction and operating of said road. And each of said companies shall have the right to cut and remove trees or other materials that might by falling encumber its roadbed, though standing or being more than one hundred feet therefrom. And in case the owner or claimant of such lands or premises and such company cannot agree as to the damages, the amount shall be determined by the appraisal of three disinterested commissioners, who may be appointed upon application by any party to any judge of a court of record in any of the Territories in which the lands or premises to be taken

Assessment of Damages.

lie; and said commissioners, in their assessments of damages, shall appraise such premises at what would have been the value thereof if the road had not been built; and upon return into court of such appraisalment, and upon the payment to the clerk thereof of the amount so awarded by the commissioners for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved by said assessment may, within thirty days, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained: but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary in the construction of its road. And said party appealing shall give bonds with sufficient surety or sureties for the payment of any costs that may arise upon such appeal. And in case the party appealing does not obtain a more favorable verdict, such party shall pay the whole cost incurred by the appellee as well as its own. And the payment into court for the use of the owner or claimant, of a sum equal to that finally awarded shall be held to vest in said company the title of said land, and the right to use and occupy the same for the construction, maintaining and operating of the road of said company. And in case any of the lands to be taken as aforesaid shall be held by any person residing without the Territory or subject to any legal disability, the court may appoint a proper person who shall give bonds with sufficient surety or sureties, for the faithful execution of his trust, and who may represent in court the person disqualified or absent as aforesaid, when the same proceeding shall be had in reference to the appraisalment of the premises to be taken and with the same effect as have been already described. And the title of the company to the land taken by virtue of this act shall not be affected nor impaired by reason of any failure by any guardian to discharge faithfully his trust. And in case it shall be necessary for either of the said companies to enter upon lands which are unoccupied, and of which there is no apparent owner or claimant, it may proceed to take and use the same for the purpose of its said railroad and may institute proceedings in manner described for the purpose of ascertaining the value of and acquiring a title to the same; and the court may determine the kind of notice to be served on such owner or owners, and may

Payment and title.

Appeal.

Bonds on Appeal.

Costs of Appeal.

Title after Appeal.

Absentees and Infants.

Unoccupied lands—how acquired.

Damages, how disposed of.

in its discretion appoint an agent or guardian to represent such owner or owners in case of his or their incapacity or non-appearance. But in case no claimant shall appear within six years from the time of the opening of said road across any land, all claim to damages against said company shall be barred. It shall be competent for the legal guardian of any infant or any other person under guardianship to agree with the proper company as to damages sustained by reason of the taking of any lands of any such person under disability, as aforesaid, for the use as aforesaid; and upon such agreement being made, and approved by the court having supervision of the official acts of said guardian, the said guardian shall have full power to make and execute a conveyance thereof to the said company which shall vest the title thereto in the said company.

Sec. 3, 1862, amended, doubling grant of land.

SEC. 4. *And be it further enacted,* That section three of said act be hereby amended by striking out the word "five," where the same occurs in said section, and by inserting in lieu thereof the word "ten;" and by striking out the word "ten," where the same occurs in said section, and by inserting in lieu thereof the word "twenty." And section seven of said act is hereby amended by striking out the word "fifteen," where the same occurs in said section, and inserting in lieu thereof the word "twenty-five." And the term "mineral land," wherever the same occurs in this act, and the act to which this is an amendment, shall not be construed to include coal and iron

Sec. 7, 1862, amended, withdrawing land from sale.

Coal and iron not minerals.

Certain lands not to be granted.

land. And any lands granted by this act or the act to which this is an amendment, shall not defeat or impair any pre-emption, homestead, swamp land, or other lawful claim, nor include any government reservation or mineral lands, or the improvements of any bona fide settler, or any lands returned and denominated as mineral lands, and the timber necessary to support his said improvements as a miner or agriculturalist, to be ascertained under such rules as have been or may be established by the Commissioner of the General Land Office, in conformity with the provisions of the pre-emption laws: *Provided, that* the quantity thus exempted by the operation of *this act and* the act to which this act is an amendment, shall not exceed ~~160~~ 160 acres for each settler who claims as an agricultural quantity for each settler who claims as

160 acres only exempted.

Timber to be Company's. Sec. 8, 1862.

Commissioner may establish by general also, that the phrase, "but where the

the timber thereon is hereby granted to said company," in the proviso to said section three shall not apply to the timber growing or being on any land farther than ten miles from the centre line of any one of said roads or branches mentioned in said act, or in this act. And all lands shall be excluded from the operation of this act, and of the act to which this act is an amendment, which were located, or selected to be located, under the provisions of an act entitled "An act donating lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts;" approved July 2, 1862, and notice given thereof at the proper land office.

Other lands exempted.

SEC. 5. *And be it further enacted*, That the time for designating the general route of said rail road, and of filing the map of the same, and the time for the completion of that part of the rail roads required by the terms of said act of each company, be, and the same is hereby, extended one year from the time in said act designated; and that the Central Pacific Rail Road Company of California shall be required to complete twenty-five miles of their said road in each year thereafter, and the whole to the State line within four years, AND THAT ONLY ONE-HALF OF THE COMPENSATION FOR SERVICES RENDERED FOR THE GOVERNMENT BY SAID COMPANIES SHALL BE REQUIRED TO BE APPLIED TO THE PAYMENT OF THE BONDS ISSUED BY THE GOVERNMENT IN AID OF THE CONSTRUCTION OF SAID ROADS.

Time extended one year. Sec. 10, 1862, amended.

25 miles per year. 4 years to State line

Government to pay one-half for services.

SEC. 6. *And be it further enacted*, That the proviso to section four of said act is hereby modified as follows, viz: And the President of the United States is hereby authorized, at any time after the passage of this act, to appoint for each and every of said roads three commissioners, as provided for in the act to which this is amendatory; and the verified statement of the president of the California Company, required by said section four, shall be filed in the office of the United States surveyor general for the State of California, instead of being presented to the President of the United States; and the said surveyor general shall thereupon notify the said commissioners of the filing of such statement, and the said commissioners shall thereupon proceed to examine the portion of said rail road and telegraph line so completed, and make their report thereon to the President of the United States, as provided by the act of which this is amendatory. And such statement may be filed and such rail road and telegraph line be examined and reported on by the

Sec. 4, 1862, modified, three Commissioners, &c.

Affidavit, &c. of C. F. R. R. Co. to be filed in California.

Lands patented See
Sec. 4, 1862. Also
Sec. 8, this Act.

said commissioners, and the requisite amount of bonds may be issued and the lands appertaining thereto may be set apart, located, entered, and patented, as provided in this act and the act to which this is amendatory, upon the construction by said rail road company of California of any portion of not less than twenty consecutive miles of their said rail road and telegraph line, upon the certificate of said commissioners that such portion is completed as required by the act of which this is amendatory. And section ten of the act of which this is amendatory is hereby amended by inserting, after the words "United States," in the last clause, the words "and States intervening."

Sec. 10, 1862,
amended.

Reservation of
Bonds by Sec. 17,
1862, repealed.

SEC. 7. *And be it further enacted*, That so much of section seventeen of said act as provides for a reservation by the government of a portion of the bonds to be issued to aid in the construction of the said rail roads is hereby repealed. And the failure of any one company to comply fully with the conditions and requirements of this act, and the act to which this is amendatory, shall not work a forfeiture of the rights, privileges, or franchise of any other company or companies that shall have complied with the same.

Failure of one
Company not to
affect others. Sec.
17, 1862, altered.

Partial issue of
Bonds on uncom-
pleted work.
Sec. 11 1862, modi-
fied.

SEC. 8. *And be it further enacted*, That for the purpose of facilitating the work on said rail road, and of enabling the said company as early as practicable to commence the grading of said rail road in the region of the mountains, between the eastern base of the Rocky Mountains and the western base of the Sierra Nevada Mountains, so that the same may be finally completed within the time required by law, it is hereby provided that whenever the chief engineer of the said company, and said commissioners, shall certify that a certain proportion of the work required *required* to prepare the road for the superstructure on any such section of twenty miles is done, (which said certificate shall be duly verified,) the Secretary of the Treasury is hereby authorized and required, upon the delivery of such certificate, to issue to said company a proportion of said bonds, not exceeding two-thirds of the amount of bonds authorized to be issued under the provisions of the act, to aid in the construction of such section of twenty miles, nor in any case exceeding two-thirds of the value of the work done. The remaining one-third to remain until the said section is fully completed ~~and~~ by the commissioners appointed by the President the terms and provisions of the said act.

Two-thirds on
graded portions.
See Sec. 8, of this
Act.

shall issue to the Union Pacific Rail Road Company for work done west of Salt Lake City under this section, more than three hundred miles in advance of the completed continuous line of said rail road from the point of beginning on the one hundredth meridian of longitude.

U. P. R. R. Co. cannot receive for more than 300 miles in advance west of Salt Lake City.

SEC. 9. *And be it further enacted*, That to enable any one of said corporations to make convenient and necessary connections with other roads, it is hereby authorized to establish and maintain all necessary ferries upon and across the Missouri river and other rivers which its road may pass in its course; and authority is hereby given said corporation to construct bridges over said Missouri river and all other rivers for the convenience of said road: *Provided*, That any bridge or bridges it may construct over the Missouri river, or any other navigable river on the line of said road, shall be constructed with suitable and proper draws for the passage of steamboats, and shall be built, kept, and maintained, at the expense of said company in such manner as not to impair the usefulness of said rivers for navigation to any greater extent than such structures of the most approved character necessarily do: *And provided further*, That any company authorized by this act to construct its road and telegraph line from the Missouri river to the initial point aforesaid may construct its road and telegraph line so as to connect with the Union Pacific rail road at any point westwardly of such initial point, in case such company shall deem such westward connection more practicable or desirable; and in aid of the construction of so much of its road and telegraph line as shall be a departure from the route hereinbefore provided for its road, such company shall be entitled to all the benefits and be subject to all the conditions and restrictions of this act: *Provided further, however*, That the bonds of the United States shall not be issued to such company for a greater amount than is hereinbefore provided, if the same had united with the Union Pacific rail road on the one hundredth degree of longitude; nor shall such company be entitled to receive any greater amount of alternate sections of public lands than are also herein provided.

Ferries and bridges.

Roads may connect west of initial point

No increased amount of Bonds, &c.

SEC. 10. *And be it further enacted*, THAT SECTION FIVE OF SAID ACT BE SO MODIFIED AND AMENDED THAT THE UNION PACIFIC RAIL ROAD COMPANY, THE CENTRAL PACIFIC RAIL COMPANY, AND ANY OTHER COMPANY AUTHORIZED TO IN THE CONSTRUCTION OF SAID ROAD, MAY, ON

First Mortgage Bonds may have lien, prior to Government.

Sec. 5, 1893, modified.

See Sec. 1, Act of 1893.

Lien of U. S. Bonds to be subordinate, &c.

20 miles instead of 40 miles, as in Sec. 5, Act of 1893.

Provision for bonds already issued by any Companies.

Affidavit of Am't of outstanding Co. Bonds.

THE COMPLETION OF EACH SECTION OF SAID ROAD AS PROVIDED IN THIS ACT AND THE ACT TO WHICH THIS ACT IS AN AMENDMENT, ISSUE THEIR FIRST MORTGAGE BONDS ON THEIR RESPECTIVE RAIL ROAD AND TELEGRAPH LINES TO AN AMOUNT NOT EXCEEDING THE AMOUNT OF THE BONDS OF THE UNITED STATES, AND OF EVEN TENOR AND DATE, TIME OF MATURITY, RATE AND CHARACTER OF INTEREST WITH THE BONDS AUTHORIZED TO BE ISSUED TO SAID RAIL ROAD COMPANIES RESPECTIVELY. AND THE LIEN OF THE UNITED STATES BONDS SHALL BE SUBORDINATE TO THAT OF THE BONDS OF ANY OR EITHER OF SAID COMPANIES HEREBY AUTHORIZED TO BE ISSUED ON THEIR RESPECTIVE ROADS, PROPERTY AND EQUIPMENTS, except as to the provisions of the sixth section of the act to which this act is an amendment, relating to the transmission of despatches and the transportation of mails, troops, munitions of war, supplies, and public stores for the Government of the United States. And said section is further amended by striking out the word "forty," and inserting in lieu thereof the words "on each and every section of not less than twenty."

SEC. 11. *And be it further enacted*, That if any of the rail road companies entitled to bonds of the United States or to issue their first mortgage bonds herein provided for, has, at the time of the approval of this act, issued or shall thereafter issue any of its own bonds or securities in such form or manner as in law or equity to entitle the same to priority or preference of payment to the said guarantied bonds, or said first mortgage bonds, the amount of such corporate bonds outstanding and unsatisfied, or uncanceled, shall be deducted from the amount of such government and first mortgage bonds which the company may be entitled to receive and issue; and such an amount only of such government bonds and such first mortgage bonds, shall be granted, or permitted, as added to such outstanding, unsatisfied, or uncanceled bonds of the company, shall make up the whole amount per mile to which the company would otherwise have been entitled: *And provided further*, That before any bonds shall be so given by the United States, the company claiming them shall present to the Secretary of the Treasury an affidavit of the president and secretary of the company, to be sworn to before the judge of a court of record, setting forth whether said company has issued any such bonds or securities, and, if so, *particularly describing the same, and such other evidence as the*

Secretary may require, so as to enable him to make the deduction herein required; and such affidavit shall then be filed and deposited in the office of the Secretary of the Interior, and any person swearing falsely to any such affidavit, shall be deemed guilty of perjury, and on conviction thereof, shall be punished as aforesaid: *Provided also*, That no land granted by this act shall be conveyed to any party or parties, and no bonds shall be issued to any company or companies, party or parties, on account of any road, or part thereof, made prior to the passage of the act to which this act is an amendment, or made subsequent thereto, under the provisions of any act or acts other than this act and the act amended by this act.

No land or bonds to go to any Co. on road, made prior to Act of 1862.

SEC. 12. *And be it further enacted*, That the Leavenworth, Pawnee, and Western Rail Road Company, now known as the Union Pacific Rail Road Company, eastern division, shall build the rail road from the mouth of Kansas river, by the way of Leavenworth, or, if that be not deemed the best route, then the said company shall, within two years, build a rail road from the City of Leavenworth to unite with the main stem at or near the City of Lawrence; but to aid in the construction of said branch the said Company shall not be entitled to any bonds. And if the Union Pacific Rail Road Company shall not be proceeding in good faith to build the said rail road through the Territories when the Leavenworth, Pawnee, and Western Rail Road Company, now known as the Union Pacific Rail Road Company, eastern division, shall have completed their road to the hundredth degree of longitude, then the last named Company may proceed to make said road westward until it meets and connects with the Central Pacific Rail Road Company on the same line. And the said rail road from the mouth of Kansas river to the one hundredth meridian of longitude shall be made by the way of Lawrence and Topeka, or on the bank of the Kansas river opposite said towns: *Provided*, That no bonds shall be issued or land certified by the United States to any person or company for the construction of any part of the main trunk line of said rail road west of the one hundredth meridian of longitude and east of the Rocky Mountains, until said road shall be completed from or near Omaha, on the Missouri river, to the said one hundredth meridian of longitude.

Leavenworth and Lawrence Roads, no bonds.

If built to 100th meridian may proceed in default of U. P. R. R.

By way of Lawrence and Topeka, or opposite, to 100th meridian. West of that line no bonds shall be issued, &c.

SEC. 13. *And be it further enacted*, That at and after the next election of directors, the number of directors to be elected

Directors 15. Gov-
ernment Directors
5. Sec. 1, 1862, mod-
ified.

One Government
Director on com-
mittees.

Government Direc-
tors to report, &c.

To visit Road, &c.

Directors, when
elected, and where.
(Sec. 1, 1862,) for
one year.

Road to be used as
one continuous line
See Sec. 12, Act of
1862.

Must telegraph for
all persons. See
Sec. 19, Act of 1862

by the stockholders shall be fifteen; and the number of directors to be appointed by the President shall be five; and the President shall appoint three additional directors to serve until the next regular election, and thereafter five directors. At least one of said government directors shall be placed on each of the standing committees of said company, and at least one on every special committee that may be appointed. The government directors shall, from time to time, report to the Secretary of the Interior, in answer to any inquiries he may make of them, touching the condition, management, and progress of the work; and shall communicate to the Secretary of the Interior, at any time, such information as should be in the possession of the department. They shall, as often as may be necessary to a full knowledge of the condition and management of the line, visit all portions of the line of road, whether built or surveyed; and while absent from home, attending to their duties as directors, shall be paid their actual traveling expenses, and be allowed and paid such reasonable compensation for their time actually employed as the board of directors may decide.

SEC. 14. *And be it further enacted*, That the next election for directors of said rail road shall be held on the first Wednesday of October next, at the office of said company in the city of New York, between the hours of ten o'clock a. m. and four o'clock p. m. of said day; and all subsequent regular elections shall be held annually thereafter at the same place; and the directors shall hold their offices for one year, and until their successors are qualified.

SEC. 15. *And be it further enacted*, That the several companies authorized to construct the aforesaid roads are hereby required to operate and use said roads and telegraph for all purposes of communication, travel and transportation, so far as the public and the government are concerned, as one continuous line; and, in such operation and use, to afford and secure to each equal advantages and facilities as to rates, time, and transportation, without any discrimination of any kind in favor of the road or business of any or either of said companies, or adverse to the road or business of any or either of the others. And it shall not be lawful for the proprietors of any line of telegraph authorized by this act, or the act amended by this act, to refuse or fail to convey for all persons requiring the transmission of news and messages of like character, on pain of forfeiting

to the person injured, for each offense, the sum of one hundred dollars, and such other damage as he may have suffered on account of said refusal or failure, to be sued for and recovered in any court of the United States, or of any State or Territory of competent jurisdiction.

SEC. 16. *And be it further enacted*, That any two or more of the companies, authorized to participate in the benefits of this act, are hereby authorized at any time to unite and consolidate their organizations, as the same may or shall be, upon such terms and conditions, and in such manner as they may agree upon, and as shall not be incompatible with this act or the laws of the State or States in which the roads of such companies may be, and to assume and adopt such corporate name and style as they may agree upon, with a capital stock not to exceed the actual cost of the roads so to be consolidated, and shall file a copy of such consolidation in the Department of the Interior; and thereupon such organization, so formed and consolidated, shall succeed to, possess, and be entitled to receive from the government of the United States, all and singular the grants, benefits, immunities, guarantees, acts, and things to be done and performed, and be subject to the same terms, conditions, restrictions, and requirements which said companies, respectively, at the time of such consolidation, are or may be entitled or subject to under this act, in place and substitution of said companies so consolidated, respectively. And all other provisions of this act, so far as applicable, relating or in any manner appertaining to the companies so consolidated, or either thereof, shall apply and be of force as to such consolidated organization. And in case, upon the completion by such consolidated organization of the roads or either of them, of the companies so consolidated, any other of the road or roads of either of the other companies authorized as aforesaid, (and forming, or intended or necessary to form a portion of a continuous line from each of the several points on the Missouri river, hereinbefore designated, to the Pacific coast,) shall not have constructed the number of miles of its said road within the time herein required, such consolidated organization is hereby authorized to continue the construction of its road and telegraph in the general direction and route upon which such incomplete or unconstructed road is hereinbefore authorized to be built, until such continuation of the road of such consolidated organization shall reach the constructed road

Companies may
consolidate. See
Sec. 16, Act of 1862,
also Sec. 10, Act of
1862.

Consolidated Companies may build
portion of the line
left incomplete by
any Company.

Powers and duties
of consolidated
organization.

and telegraph of said other company, and at such point to connect and unite therewith; and for and in aid thereof the said consolidated organization may do and perform, in reference to such portion of road and telegraph as shall so be in continuation of its constructed road and telegraph, and to the construction and equipment thereof, all and singular the several acts and things hereinbefore provided, authorized, or granted to be done by the company hereinbefore authorized to construct and equip the same, and shall be entitled to similar and like grants, benefits, immunities, guarantees, acts, and things to be done and performed by the government of the United States, by the President of the United States, by the Secretaries of the Treasury and Interior, and by commissioners, in reference to such company, and to such portion of the road hereinbefore authorized to be constructed by it, and upon the like and similar terms and conditions, so far as the same are applicable thereto. And said consolidated company shall pay to said defaulting company, the value, to be estimated by competent engineers, of all the work done and material furnished by said defaulting company, which may be adopted and used by said consolidated company in the progress of the work under the provisions of this section: *Provided, nevertheless,* That said defaulting company may at any time before receiving pay for its said work and material, as hereinbefore provided, on its own election, pay said consolidated company the value of the work done and material furnished by said consolidated company, to be estimated by competent engineers, necessary for and used in the construction of the road of said defaulting company, and resume the control of its said road; and all the rights, benefits, and privileges which shall be acquired, possessed, or exercised, pursuant to this section, shall be to that extent an abatement of the rights, benefits, and privileges hereinbefore granted to such other company. And in case any company authorized thereto, shall not enter into such consolidated organization, such company, upon the completion of its road as hereinbefore provided, shall be entitled to, and is hereby authorized to, continue and extend the same under the circumstances, and in accordance with the provisions of this section, and to have all the benefits thereof, as fully and completely as are herein provided, touching such consolidated organization. And in case more than one such consolidated organization shall be made, pursuant to this act, the terms and condi-

tions of this act, hereinbefore recited as to one, shall apply in like manner, force, and effect to the other: *Provided, however,* That rights and interests at any time acquired by one such consolidated organization shall not be impaired by another thereof. IT IS FURTHER PROVIDED THAT, SHOULD THE CENTRAL PACIFIC RAIL ROAD COMPANY OF CALIFORNIA COMPLETE THEIR LINE TO THE EASTERN LINE OF THE STATE OF CALIFORNIA BEFORE THE LINE OF THE UNION PACIFIC RAIL ROAD COMPANY SHALL HAVE BEEN EXTENDED WESTWARD SO AS TO MEET THE LINE OF SAID FIRST-NAMED COMPANY, SAID FIRST-NAMED COMPANY MAY EXTEND THEIR LINE OF ROAD EASTWARD ONE HUNDRED AND FIFTY MILES, ON THE ESTABLISHED ROUTE, SO AS TO MEET AND CONNECT WITH THE LINE OF THE UNION PACIFIC ROAD, COMPLYING IN ALL RESPECTS WITH THE PROVISIONS AND RESTRICTIONS OF THIS ACT AS TO SAID UNION PACIFIC ROAD, AND UPON DOING SO SHALL ENJOY ALL THE RIGHTS, PRIVILEGES, AND BENEFITS CONFERRED BY THIS ACT ON SAID UNION PACIFIC RAIL ROAD COMPANY.

When Central Pacific Road shall reach Eastern line of said State may go on 150 miles if road not met. Sec. 10, 1862, amended. Also see Sec. 2, 1868.

SEC. 17. *And be it further enacted,* That so much of section fourteen of said act as relates to a branch from Sioux City be, and the same is hereby, amended so as to read as follows: That whenever a line of rail road shall be completed through the States of Iowa or Minnesota to Sioux City, such company, now organized or may hereafter be organized under the laws of Iowa, Minnesota, Dakota, or Nebraska, as the President of the United States, by its request, may designate or approve for that purpose, shall construct and operate a line of rail road and telegraph from Sioux City, upon the most direct and practicable route, to such a point on, and so as to connect with, the Iowa branch of the Union Pacific Rail Road from Omaha, or the Union Pacific Rail Road, as such company may select, and on the same terms and conditions as are provided in this act and the act to which this is an amendment, for the construction of the said Union and Pacific Rail Road and telegraph line and branches; and said company shall complete the same at the rate of fifty miles per year: *Provided,* That said Union Pacific Rail Road Company shall be, and is hereby, released from the construction of said branch. And said company constructing said branch shall not be entitled to receive in bonds an amount larger than the said Union Pacific Rail Road Company would

Sec. 14, 1862 amended as to Sioux City Branch Road.

be entitled to receive if it had constructed the branch under this act and the act to which this is an amendment; but said company shall be entitled to receive alternate sections of land for ten miles in width on each side of the same along the whole length of said branch; *And provided, further,* That if a rail road should not be completed to Sioux City, across Iowa or Minnesota, within eighteen months from the date of this act, then said company designated by the President, as aforesaid, may commence, continue, and complete the construction of said branch as contemplated by the provisions of this act: *Provided, however,* That if the said company so designated by the President as aforesaid shall not complete the said branch from Sioux City to the Pacific Rail Road within ten years from the passage of this act, then, and in that case, all of the rail road which shall have been constructed by said company shall be forfeited to and become the property of the United States.

Burlington and M.
R. R. Co. may
extend Road, &c.

SEC. 18. *And be it further enacted,* That the Burlington and Missouri River Rail Road Company, a corporation organized under and by virtue of the laws of the State of Iowa, be, and hereby is, authorized to extend i[t]s road through the Territory of Nebraska from the point where it strikes the Missouri river, south of the mouth of the Platte river, to some point not further west than the one hundredth meridian of west longitude, so as to connect, by the most practicable route, with the main trunk of the Union Pacific Rail Road, or that part of it which runs from Omaha to the said one hundredth meridian of west longitude. And for the purpose of enabling said Burlington and Missouri River Rail Road Company to construct that portion of their road herein authorized, the right of way through the public lands is hereby granted to said company for the construction of said road. And the right, power, and authority is hereby given to said company to take from the public lands adjacent to the line of said road, earth, stone, timber, and other materials for the construction thereof. Said right of way is granted to said company to the extent of two hundred feet where it may pass over the public lands, including all necessary grounds for stations, buildings, workshops, depots, machine shops, switches, side tracks, turn tables, and water stations. And the United States shall extinguish, as rapidly as may be, consistent with public policy and the welfare of the said Indians, the Indian titles to all lands falling

Right of way, &c.

U. S. to extinguish
Indian titles. Sec.
2, 1862.

under the operation of this section and required for the said right of way and grant of land herein made.

SEC. 19. *And be it further enacted*, That for the purpose of aiding in the construction of said road, there be, and hereby is, granted to the said Burlington and Missouri River Rail Road Company, every alternate section of public land (excepting mineral lands as provided in this act) designated by odd numbers, to the amount of ten alternate sections per mile on each side of said road, on the line thereof, and not sold, reserved, or otherwise disposed of by the United States, and to which a pre-emption or homestead claim may not have attached at the time the line of said road is definitely fixed: *Provided*, That said company shall accept this grant within one year from the passage of this act, by filing such acceptance with the Secretary of the Interior, and shall also establish the line of said road, and file a map thereof with the Secretary of the Interior within one year of the date of said acceptance, when the said Secretary shall withdraw the lands embraced in this grant from market

Land grants to Burlington and M. R. R. Co.

SEC. 20. *And be it further enacted*, That whenever said Burlington and Missouri River Rail Road Company shall have completed twenty consecutive miles of the road mentioned in the foregoing section, in the manner provided for other roads mentioned in this act and the act to which this is an amendment, the President of the United States shall appoint three commissioners to examine and report to him in relation thereto; and if it shall appear to him that twenty miles of said road have been completed as required by this act, then, upon certificate of said commissioner[s] to that effect, patents shall issue conveying the right and title to said lands to said company on each side of said road, as far as the same is completed, to the amount aforesaid; and such examination, report, and conveyance, by patents, shall continue from time to time, in like manner, until said road shall have been completed. And the President shall appoint said commissioners, to fill vacancies in said commission, as provided in relation to other roads mentioned in the act to which this is an amendment. And the said company shall be entitled to all the privileges and immunities granted to the Hannibal and St. Joseph's Rail Road Company by the said last mentioned act, so far as the same may be applicable: *Provided*, That no Government bonds shall be issued to the said Burlington and Missouri River Rail Road Company

Burlington and M. R. R. Co., lands, &c.

Bonds.

Land not to be conveyed to any Company until they pay cost of survey, &c. Sec. 4, 1862, Sec. 6, 1864.

to aid in the construction of said extension of its road; and provided further, that said extension shall be completed within the period of ten years from the passage of this act.

SEC. 21. *And be it further enacted*, That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company, or party in interest as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office, for the prosecution of the survey of the public lands along the line of said road, and so from year to year, until the whole shall be completed, as provided under the provisions of this act.

Sec. 12, 1864.

SEC. 22. *And be it further enacted*, That Congress may at any time, alter, amend, or repeal this act.

Approved, July 2, 1864.

AMENDMENT OF 1865.

AN ACT

To amend an act entitled "An act to aid in the construction of a Rail Road and Telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for Postal, Military and other purposes," approved July first, eighteen hundred and sixty-two, and to amend an Act amendatory thereof, approved July second, eighteen hundred and sixty-four.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section ten of said act of July second, eighteen hundred and sixty-four, be so modified and amended as to allow the CENTRAL PACIFIC RAIL ROAD COMPANY, AND THE WESTERN PACIFIC RAIL ROAD COMPANY, OF CALIFORNIA, THE UNION PACIFIC RAIL ROAD COMPANY, THE UNION PACIFIC RAIL ROAD COMPANY, EASTERN DIVISION, AND ALL OTHER COMPANIES PROVIDED FOR IN THE SAID ACT OF THE SECOND OF JULY, EIGHTEEN HUNDRED AND SIXTY-FOUR, TO ISSUE THEIR SIX PER CENTUM THIRTY YEARS' BONDS, INTEREST PAYABLE IN ANY LAWFUL MONEY OF THE UNITED STATES, UPON THEIR SEPARATE ROADS. And the said companies are hereby authorized to issue, respectively, their bonds to the extent of one hundred miles in advance of a continuous completed line of construction.

May issue bonds 100 miles in advance of completed line, int. payable in any lawful money. Sec. 10 1864.

SEC. 2. *And be it further enacted, That the assignment made by the Central Pacific Rail Road Company of California to the Western Pacific Rail Road Company of said State, of the right to construct all that portion of said rail road and telegraph from the city of San Jose to the city of Sacramento is*

Assignment confirmed to San Jose and Sacramento Road

hereby ratified and confirmed to the said Western Pacific Rail Road Company, with all the privileges and benefits of the several acts of Congress relating thereto, and subject to all the conditions thereof: *Provided*, That the time within which the said Western Pacific Rail Road Company shall be required to construct the first twenty miles of their said road, shall be one year from the first day of July, eighteen hundred and sixty-five, and that the entire road shall be completed from San Jose to Sacramento, connecting at the latter point with the said Central Pacific Rail Road, within four years thereafter.

Approved, March 3, 1865.

AMENDMENT OF 1866.

AN ACT

To amend an Act entitled "An Act to amend an Act entitled 'An Act to aid in the construction of a rail road and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July first, eighteen hundred and sixty-two," approved July second, eighteen hundred and sixty-four.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Union Pacific Railway Company, eastern division, is hereby authorized to designate the general route of their said road, and to file a map thereof, as now required by law, at any time before the first day of December, eighteen hundred and sixty-six; and upon the filing of the said map, showing the general route of said road, the lands along the entire line thereof, so far as the same may be designated, shall be reserved from sale by order of the Secretary of the Interior: *Provided*, That said company shall be entitled to only the same amount of the bonds of the United States to aid in the construction of their line of rail road and telegraph as they would have been entitled to if they had connected their said line with the Union Pacific rail road on the one hundredth degree of longitude, as now required by law: *And provided further*, That said Company shall connect their line of rail road and telegraph with the Union Pacific rail road, but not at a point more than fifty miles westwardly from the meridian of Denver in Colorado.*

SEC. 2. *And be it further enacted, That the Union Pacific* U. P. R. R. to be
used till met.

Central Pacific may continue their road eastward, with consent of Secretary of the Interior, till met by U. R. R. Co. Sec. 10, 1862, and Act 16, 1864, amended.

Rail Road Company, with the consent and approval of the Secretary of the Interior, are hereby authorized to locate, construct, and continue their road from Omaha, in Nebraska Territory, westward, according to the best and most practicable route and without reference to the initial point on the one hundredth meridian of west longitude, as now provided by law, in a continuous completed line, until they shall meet and connect with the Central Pacific Rail-Road Company of California; AND THE CENTRAL PACIFIC RAIL ROAD COMPANY OF CALIFORNIA, WITH THE CONSENT AND APPROVAL OF THE SECRETARY OF THE INTERIOR, ARE HEREBY AUTHORIZED TO LOCATE, CONSTRUCT, AND CONTINUE THEIR ROAD EASTWARD, IN A CONTINUOUS COMPLETED LINE, UNTIL THEY SHALL MEET AND CONNECT WITH THE UNION PACIFIC RAIL ROAD: *Provided*, That each of the above-named companies shall have the right, when the nature of the work to be done, by reason of deep cuts and tunnels, shall for the expeditious construction of the Pacific Rail Road require it, to work for an extent of not to exceed three hundred miles in advance of their continuous completed lines.

Approved, July 3, 1866.

ACT OF 1866.

[14 U. S. STATUTES AT LARGE, PAGE 66.]

CHAP. CXXIV.—*An Act to facilitate commercial, postal, and military Communication among the several States.** June 15, 1866.

WHEREAS, The Constitution of the United States confers Preamble.
upon Congress, in express terms, the power to regulate commerce among the several States, to establish post roads, and to raise and support armies; therefore.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every railroad company in the United States, whose road is operated by steam, its successors and assigns, be, and is hereby, authorized to carry upon and over its road, boats, bridges, and ferries, all passengers, troops, government supplies, mails, freight, and property on their way from any State to another State, and to receive compensation therefor, and to connect with roads of other States so as to form continuous lines for the transportation of the same to the place of destination: *Provided,* That this act shall not affect any stipulation between the Government of the United States and any railroad company for transportation or fares without compensation, nor impair or change the conditions imposed by the terms of any act granting lands to any such company to aid in the construction of its road, nor shall it be construed to authorize any railroad company to build any new road or connection with any other road without authority from the State in which said railroad or connection may be proposed.

SEC. 2. *And be it further enacted,* That congress may at any time alter, amend, or repeal this act. This act may be amended, &c.

Approved, June 15, 1866.

* This act is inserted because of its application to inter-state commerce, and on account of any special reference to the Central Pacific Railroad.

ACT OF 1866.

[14 U. S. STATUTES AT LARGE, PAGE 239-242.]

July 25, 1866. CHAP. CXXLII.—*An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from the Central Pacific Railroad, in California, to Portland, in Oregon.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the "California and Oregon Railroad Company," organized under an act of the State of California to protect certain parties in and to a railroad survey, "to connect Portland, in Oregon, with Marysville, in California," approved April sixth, eighteen hundred and sixty-three, and such Company organized under the laws of Oregon as the Legislature of said State shall hereafter designate, be, and they are hereby, authorized and empowered to lay out, locate, construct, finish, and maintain a railroad and telegraph line between the city of Portland, in Oregon, and the Central Pacific Railroad, in California, in the manner following, to wit: The said California and Oregon Railroad Company to construct that part of the said railroad and telegraph within the State of California, beginning at some point (to be selected by said Company) on the Central Pacific Railroad in the Sacramento valley, in the State of California, and running thence northerly, through the Sacramento and Shasta valleys, to the northern boundary of the State of California; and the said Oregon Company to construct that part of the said railroad and telegraph line within the State of Oregon, beginning at the city of Portland, in Oregon, and running thence southerly through the Willamette, Umpqua and Rogue River valleys to the southern boundary of Oregon, where the same shall connect with the part aforesaid to be made by the first-named Company: *Provided*, That the Company completing its respective part of the said railroad and telegraph from either of the termini herein named to the line between California and Oregon before the other Company shall have likewise arrived at the same line, shall have the right, and the said Company is hereby authorized to continue in constructing the same beyond the line aforesaid, with the consent of the State in which the unfinished part may

The California & Oregon R.R. Co. and an Oregon company, may locate and construct a railroad and telegraph line between Portland, Oregon, and the Central Pacific Railroad in California. What part the C. & O. Company to build.

The company first completing its part, may continue its road with consent of state.

lie, upon the terms mentioned in this act, until the said parts shall meet and connect, and the whole line of said railroad and telegraph shall be completed.

SEC. 2. *And be it further enacted*, That there be, and hereby is, granted to the said Companies, their successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the line of said railroad, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile (ten on each side) of said railroad line; and when any of said alternate sections or parts of sections shall be found to have been granted, sold, reserved, occupied by homestead settlers, pre-empted, or otherwise disposed of, other lands, designated as aforesaid shall be selected by said Companies in lieu thereof, under the direction of the Secretary of the Interior, in alternate sections, designated by odd numbers as aforesaid, nearest to and not more than ten miles beyond the limits of said first-named alternate sections; and as soon as the said Companies, or either of them, shall file in the office of the Secretary of the Interior a map of the survey of said railroad, or any portion thereof, not less than sixty continuous miles from either terminus, the Secretary of the Interior shall withdraw from sale public lands herein granted on each side of the railroad, so far as located and within the limits before specified. The lands herein granted shall be applied to the building of said road within the States, respectively, wherein they are situated. And the sections and parts of sections of land which shall remain in the United States within the limits of the aforesaid grant shall not be sold for less than double the minimum price of public lands when sold, *Provided*, That bona fide and actual settlers under the pre-emption laws of the United States may, after due proof of settlement, improvement, and occupation, as now provided by law, purchase the same at the price fixed for said lands at the date of such settlement, improvement, and occupation: *And provided, also*, That, settlers under the provisions of the Homestead Act, who comply with the terms and requirements of said Act, shall be entitled within the limits of said grant, to patents for an amount not exceeding eighty acres of the land so reserved by the United States, anything in this act to the contrary notwithstanding.

Grant of public lands, not mineral, to said companies, to aid in the construction of road, &c.

If any sections of land have been sold or are occupied, other lands may be selected in lieu thereof.

When maps of survey are filed, lands to be withdrawn from sale.

Lands granted to be applied to building road in the states where they lie.

Remaining lands to be sold, for what price.

Settlers under pre-emption laws may purchase, at what price;

Under Homestead Act may have not over eighty acres.

Right of way
through pub-
lic lands
granted to
said com-
panies.

Materials for
construction
from adjacent
lands.

Extent of grant
of right of
way. Land
for stations,
&c.

Land for sta-
tions, &c.

When and how
patents for
these granted
lands shall
issue to said
companies.

Conditions of
grants.

SEC. 3. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said Companies for the construction of said railroad and telegraph line; and the right, power, and authority are hereby given to said Companies to take from the public lands adjacent to the line of said road, earth, stone, timber, water, and other materials for the construction thereof. Said right of way is granted to said railroad, to the extent of one hundred feet in width on each side of said railroad where it may pass over the public lands, including all necessary grounds for stations, buildings, work-shops, depots, machine-shops, switches, side-tracks, turntables, water stations, or any other structures required in the construction and operating of said road.

SEC. 4. *And be it further enacted*, That whenever the said companies, or either of them, shall have twenty or more consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated by this act, the President of the United States shall appoint three commissioners, whose compensation shall be paid by said company, to examine the same, and if it shall appear that twenty consecutive miles of railroad and telegraph shall have been completed and equipped in all respects as required by this act, the said commissioners shall so report under oath to the President of the United States, and thereupon patents shall issue to said companies, or either of them, as the case may be, for the lands hereinbefore granted, to the extent of and coterminous with the completed section of said railroad and telegraph line, as aforesaid; and from time to time, when ever twenty or more consecutive miles of the said road and telegraph shall be completed and equipped as aforesaid; patents shall in like manner issue upon the report of the said commissioners, and so on until the entire railroad and telegraph authorized by this act shall have been constructed, and the patents of the lands herein granted shall have been issued.

SEC. 5. *And be it further enacted*, That the grants aforesaid, are made upon the condition that the said company shall keep said railroad and telegraph in repair and use, and shall at all times transport the mails upon said railroad, and transmit dispatches by said telegraph line, for the Government of the United States, when required so to do by any department thereof, and

that the Government shall at all times have the preference in the use of said railroad and telegraph, therefor, at fair and reasonable rates of compensation, not to exceed the rates paid by private parties for the same kind of service. And said railroad shall be, and remain a public highway, for the use of the Government of the United States, free of all toll or other charges upon the transportation of the property or troops of the United States; and the same shall be transported over said road at the cost, charge, and expense of the corporations or companies owning or operating the same, when so required by the Government of the United States.

Railroad to be a public highway, and free to the United States.

SEC. 6. *And be it further enacted*, That the said companies shall file their assent to this act in the Department of the Interior within one year after the passage hereof, and shall complete the first section of twenty miles of said railroad and telegraph within two years, and at least twenty miles in each year thereafter, and the whole on or before the first day of July, one thousand eight hundred and seventy-five; and the said railroad shall be of the same gauge as the "Central Pacific Railroad" of California, and be connected therewith.

Companies when to file assent to this act.

Rate of progress to be made.

Gauge.

To be connected with Central Pacific Railroad.

SEC. 7. *And be it further enacted*, That the said companies named in this act are hereby required to operate and use the portions or parts of said railroad and telegraph mentioned in section one of this act for all purposes of transportation, travel, and communication, so far as the Government and public are concerned; as one connected and continuous line; and in such operation and use to afford and secure to each other equal advantages and facilities as to rates, time, and transportation, without any discrimination whatever, on pain of forfeiting the full amount of damages sustained on account of such discrimination, to be sued for and recovered in any court of the United States, or of any State, of competent jurisdiction.

Companies to use and operate road as one continuous line, and to secure to each other equal advantages, &c.

SEC. 8. *And be it further enacted*, That in case the said companies shall fail to comply with the terms and conditions required, namely, by not filing their assent thereto as provided in section six of this act, or by not completing the same as provided in said section, this act shall be null and void, and all the lands not conveyed by patent to said company or companies, as the case may be, at the date of any such failure, shall revert to the United States. And in case the said road and telegraph line shall not be kept in repair and fit for use, after the same

If companies fail to comply with certain conditions, this act to be void, and the lands not conveyed to revert to the United States.

If road and telegraph line are not kept in re-

pair, Congress may, &c. shall have been completed, Congress may pass an act to put the same in repair and use, and may direct the income of said railroad and telegraph line to be there thereafter devoted to the United States, to repay all expenditures caused by the default and neglect of said companies, or either of them, as the case may be, or may fix pecuniary responsibility, not exceeding the value of the lands granted by this act.

The companies to be governed by the laws of their respective States. SEC. 9. *And be it further enacted*, That the said "California and Oregon Railroad Company," and the said "Oregon Company" shall be governed by the provisions of the general railroad and telegraph laws of their respective States, as to the construction and management of the said railroad and telegraph line hereinbefore authorized, in all matters not provided for in this act. Wherever the word "Company" or "Companies" is used in this act, it shall be construed to embrace the words "their associates, successors, and assigns," the same as if the words had been inserted, or thereto annexed.

Mineral lands excepted from this grant. SEC. 10. *And be it further enacted*, That all mineral lands shall be excepted from the operation of this act; but where the same shall contain timber, so much of the timber thereon as shall be required to construct said road over such mineral land is hereby granted to said companies: *Provided*, That the term "mineral lands" shall not include lands containing coal and iron.

Companies to obtain consent of States, where road and telegraph line do not pass through public lands. SEC. 11. *And be it further enacted*, That the said companies named in this act shall obtain the consent of the Legislatures of their respective States, and be governed by the statutory regulations thereof in all matters pertaining to the right of way, wherever the said road and telegraph line shall not pass over or through the public lands of the United States.

Act may be amended, &c. SEC. 12. *And be it further enacted*, That Congress may at any time, having due regards for the rights of said California and Oregon Railroad Companies, add to, alter, amend, or repeal this act.

Approved, July 25, 1866.

RESOLUTION OF 1866.

[14 U. S. STATUTES AT LARGE, PAGE 367.]

(No. 85).—*A Resolution granting the Right of Way through Military Reserves to the Union Pacific Railroad Company and its Branches.* July 26, 1866.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to approval by the President, the right of way, one hundred feet in width, is hereby granted to the Union Pacific Railroad Company and the companies constructing the branch roads connecting therewith, for the construction and operation of their roads over and upon all military reserves through which the same may pass; and the President is hereby authorized to set apart to the Union Pacific Railway Company, eastern division, twenty acres of the Fort Riley military reservation, for depot and other purposes, in the bottom opposite "Riley City"; also fractional section "one" on the west side of said reservation, near Junction City, for the same purposes; and also to restore, from time to time, to the public domain, any portion of said military reserve over which the Union Pacific Railroad, or any of its branches, may pass, and which shall not be required for military purposes: Provided, that the President shall not permit the location of any such railroad or the diminution of any such reserve in any manner so as to impair its usefulness for military purposes, so long as it shall be required therefor.

Right of way granted to the Union Pacific Railroad Company, and its branches through the military reserves. Grant for depot and other purposes.

Such portions of these reserves as are not needed for military purposes, to be restored to public domain

Usefulness for military purposes not to be interfered with.

Approved, July 26, 1866.

ACT OF 1868.

[15 U. S. STATUTES AT LARGE, PAGE 39]

March 6, 1868, CHAP. XX.—*An Act restoring Lands to Market along the Line of the Pacific Railroad, and Branches.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

Lands on line of Pacific railroads and branches restored to market. nothing in the act approved July first, eighteen hundred and sixty-two, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and the acts amendatory thereof, shall be held to authorize the withdrawal or exclusion from settlement and entry, under the provisions of the pre-emption or homestead laws, the even-numbered sections along the routes of the several roads therein mentioned which have been or may be hereafter located: *Provided, That* such sections shall be rated at two dollars and fifty cents per acre, and subject only to entry under those laws; and the Secretary of the Interior be, and is hereby, authorized and directed to restore to homestead settlement, pre-emption, or entry, according to existing laws, all the even-numbered sections of land belonging to the Government, and now withdrawn from market, on both sides of the Pacific Railroad and branches, wherever said road and branches have been definitely located.

Price of lands.

Homestead and pre-emption rights.

Approved, March 6, 1868.

ACT OF 1868.

[15 U. S. STATUTES AT LARGE, PAGE 79.]

CHAP. LXXVII.—*An Act relative to filing Reports of Railroad Companies.* June 25, 1868.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the reports required to be made to the Secretary of the Treasury on or before the first day of July of each year, by the corporations created by or entitled to subsidies under the provisions of an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the government the use of the same for postal, military, and other purposes," approved July first, eighteen hundred and sixty-two, and the acts supplemental to and amendatory thereof, shall hereafter be made to the Secretary of the Interior, on or before the first day of October of each year. Said reports shall furnish full and specific information upon the several points mentioned in the twentieth section of the said act of eighteen hundred and sixty-two, and shall be verified as therein prescribed, and on failure to make the same as herein required, the issue of bonds or patents to the Company in default shall be suspended until the requirements of this act shall be complied with by such company. And the reports hitherto made to the Secretary of the Treasury under the said act of July first, eighteen hundred and sixty-two, shall be transferred and delivered by him to the Secretary of the Interior to be filed by him.

Reports of certain railroads to be made on or before October 1st, in each year, to Secretary of Interior; 1862, ch. 120, vol. xii, p. 489. 1864, ch. 216, vol. xiii, p. 356. 1865, ch. 88, vol. xiii, p. 504; to contain what

Former reports.

SEC. 2. *And be it further enacted,* That the corporations created by the provisions of the acts of Congress approved July second, eighteen hundred and sixty-four, and July twenty-seventh, eighteen hundred and sixty-six, and known as the Northern Pacific Railroad Company, the Atlantic and Pacific Railroad Company, and the Southern Pacific Railroad Company, shall make reports to the Secretary of the Interior on or before the first of October of each year, as are required to be made by the Union Pacific Railroad and branches, under the provisions of the first section of this act, and on failure so to do, shall be subject to the like suspension.

Reports of Northern Pacific, Atlantic & Pacific, and Southern Pacific, to be made when, &c. 1864, ch. 216, vol. xiii, p. 356. 1866, ch. 278, vol. xiv, p. 292.

Reports of Commissioners to be made to Department of the Interior.

SEC. 3. *And be it further enacted*, That the reports required from the commissioners appointed to examine and report in relation to the road of any of the corporations whereto reference is made in this act, shall be addressd to and filed in the Department of the Interior; and all such reports heretofore made shall be transferred to and filed in said Department of the Interior; and so much of any and all acts as requires any reports from such companies, or any officers thereof, to be made to the Secretary of the Treasury, is hereby repealed.

Repealing clause

Reports of Engineers and other officers who made reports, to be furnished.

SEC. 4. *And be it further enacted*, That, in addition to the eight subjects referred to in section twenty of the Act of July, eighteen hundred and sixty two, to be reported upon, there shall also be furnished annually to the Secretary of the Interior all reports of Engineers, Superintendents, or other officers who make annual reports to any of said railroad companies.

Approved, June 25, 1868.

AMENDMENT OF 1868.

[15 U. S. STATUTES AT LARGE, PAGE 80.]

CHAP. LXXX.—*An Act to amend an Act entitled "An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from the Central Pacific Railroad in California, to Portland, in Oregon."* June 25, 1868.
1868, ch. 242,
§ 6, vol. xiv., p.
241.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of an act entitled "An Act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July twenty-fifth, eighteen hundred and sixty-six, be so amended as to provide that instead of the times now fixed in said section, the first section of twenty miles of said railroad and telegraph shall be completed within eighteen months from the passage of this act, and at least twenty miles in each two years thereafter, and the whole on or before the first day of July, Anno Domini eighteen hundred and eighty. Time of completion of railroad and telegraph.

Approved, June 25, 1868.

AMENDMENT OF 1869.

[16 U. S. STATUTES AT LARGE, PAGE 47.]

April 10, 1869. CHAP. XXVII.—*An Act to amend an Act entitled "An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July twenty-five, eighteen hundred and sixty-six.*

1866, ch. 242,
Vol. XIV, p.
239.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of an act entitled "An Act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July twenty-five, eighteen hundred and sixty-six, be, and the same is hereby, amended so as to allow any railroad company heretofore designated by the Legislature of the State of Oregon, in accordance with the first section of said act, to file its assent to such act in the Department of the Interior within one year from the date of the passage of this act; and such filing of its assent, if done within one year from the passage hereof, shall have the same force and effect to all intents and purposes as if such assent had been filed within one year after the passage of said act; Provided, That nothing herein shall impair any rights heretofore acquired by any railroad company under said act, nor shall said act or this amendment be construed to entitle more than one company to a grant of land. And provided further, That the lands granted by the acts aforesaid shall be sold to actual settlers only, in quantities not greater than one-quarter section to one purchaser, and for a price not exceeding two dollars and fifty cents per acre.

Assent of Railroad Company to Act may be filed within one year from date.

Acquired rights not affected.

Not more than one company entitled to a grant of land.

Lands—How and to whom to be sold.

Approved, April 10, 1869.

JOINT RESOLUTION OF 1869.

[16 U. S. STATUTES AT LARGE, PAGE 56-7.]

(No. 19.)—*Joint Resolution for the Protection of the Interests* April 10, 1869.
of the United States in the Union Pacific Railroad Com-
pany, the Central Pacific Railroad Company, and for
other Purposes.

Be it resolved by the Senate and House of Representatives Stockholders of
of the United States of America in Congress assembled, That Union Pacific
the stockholders of the Union Pacific Railroad Company, at a B. R. Co. to
meeting to be held on the twenty-second day of April, eighteen elect a board
hundred and sixty-nine, at the city of Boston, (with power to of directors.
adjourn from day to day), shall elect a board of directors for the
ensuing year; and said stockholders are hereby authorized to
establish their general office at such place in the United States To establish
as they may select at said meeting : *Provided, That the passage* their general
of this resolution shall not confer any other right upon said No other right
Union Pacific Railroad Company than to hold such election, or conferred or
be held in any manner to relinquish or waive any rights of the waived hereby
United States to take advantage of any act or neglect of said
Union Pacific Railroad Company heretofore done or omitted,
whereby the rights of the general government have been or may
be prejudiced : *And provided, further, That the common ter-*
minus of the Union Pacific and the Central Pacific Railroads Common terminus of the
shall be at or near Ogden ; and the Union Pacific Railroad Com- Union Pacific
pany shall build, and the Central Pacific Railroad Company pay & Central Pa-
for and own the railroad from the terminus aforesaid to Pro- Railroads to be
montory Summit, at which point the rails shall meet and con- at or near Og-
nect and form one continuous line. den, &c.

SEC. 2. *And be it further resolved, That, to ascertain the* The President
condition of the Union Pacific Railroad and the Central Pacific to appoint a
Railroad, the President of the United States is authorized to ap- commission to
point a board of eminent citizens, not exceeding five in number, examine and
and who shall not be interested in either road, to examine and report upon
report upon the condition of, and what sum or sums, if any, the roads.
will be required to complete each of said roads, for the entire
length thereof, to the said terminus as a first-class railroad, in
compliance with the several acts relating to said roads; and the

Expenses and pay of commissioners. expense of such board, including an allowance of ten dollars to each for their services for each day employed in such examination or report, to be paid equally by said companies.

Subsidy bonds to be withheld sufficient to secure the full completion, as a first-class road, of all sections of such road, &c. SEC. 3. *And be it further resolved,* That the President is hereby authorized and required to withhold from each of said companies an amount of subsidy bonds authorized to be issued by the United States under said acts sufficient to secure the full completion as a first-class road of all sections of such road upon which bonds have already been issued, or in lieu of such bonds he may receive as such security an equal amount of the first mortgage bonds of such company; and if it shall appear to the

If the amount to be issued is insufficient, &c. President that the amount of subsidy bonds yet to be issued to either of said companies is insufficient to insure the full completion of such road, he may make requisition upon such company for a sufficient amount of bonds already issued to said company, or in his discretion of their first mortgage bonds, to secure the full completion of the same. And in default of obtaining such security as [is] in this section provided, the President may authorize and direct the Attorney-General to institute such suits and proceedings on behalf and in the name of the United States, in any court of the United States having jurisdiction, as shall be necessary or proper to compel the giving of such security, and thereby, or in any manner otherwise, to protect the interests of the United States in said road, and to insure the full completion thereof as a first-class road, as required by law and the statutes in that case made.

Attorney - General to investigate whether the charter of the Union Pacific and Central Pacific railroads have not been forfeited, &c. SEC. 4. *And be it further resolved,* That the Attorney-General of the United States be, and he is hereby, authorized and directed to investigate whether or not the charter and all the franchises of the Union Pacific Railroad Company and of the Central Pacific Railroad Company have not been forfeited, and to institute all necessary and proper legal proceedings; also to investigate whether or not said companies have or have not made any illegal dividends upon their stock, and if so to institute the necessary proceedings to have the same reimbursed; and also to investigate whether any of the directors or any other agents or employees of said companies have or not violated any penal law, and if so, to institute the proper criminal proceedings against all persons who have violated such laws.

To institute criminal proceedings, if, &c.

Approved, April 10, 1869.

ACT OF 1870.

[16 U. S. STATUTES AT LARGE, PAGE 121-2.]

CHAP. XCIV.—*An Act to fix the Point of Junction of the Union Pacific Railroad Company and the Central Pacific Railroad Company.* May 6, 1870.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the common terminus and point of junction of the Union Pacific Railroad Company and the Central Pacific Railroad Company shall be definitely fixed and established on the line of railroad as now located and constructed, northwest of the station at Ogden, and within the limits of the sections of land hereinafter mentioned, viz.: section thirty-six of township seven, of range two, situate north and west of the principal meridian and base line in the Territory of Utah, and sections twenty-five, twenty-six, and thirty-five of township seven, of range two, and section six of township six, and sections thirty and thirty-one of township seven, of range one, and sections one and two of township six, of range two, all situate north and west of said principal meridian and base line; and said companies are hereby authorized to enter upon, use, and possess said sections, which are hereby granted to them in equal shares, with the same rights, privileges, and obligations now by law provided with reference to other lands granted to said railroads: *Provided, however,* That the Secretary of the Interior shall designate a section of land in said township seven, of range two, belonging to said companies, and reserve the same for the benefit of schools in said Territory, in accordance with the act of February twenty-one, eighteen hundred and fifty-five, establishing the office of Surveyor-General of Utah, and to grant land for school and university purposes: *Provided, also,* That said companies shall pay for any additional lands acquired by this act at the rate of two dollars and fifty cents an acre: *And provided further,* That no rights of private persons shall be affected by this act.

Point of junction of the Union Pacific R. R. Co. and the Central Pacific R. R. Co. established north-west of the station at Ogden, &c.

Grant of certain sections.

Reserve for schools.

Price of land.

Private rights.

Approved, May 6, 1870,

ACT OF 1871.

[16 U. S. STATUTES AT LARGE, PAGE 525.]

March 3, 1871. CHAP. CXVI.—*An Act making Appropriations for the Support of the Army for the Year ending June thirty, eighteen hundred and seventy-two, and for other Purposes.*

SEC. 9. That, in accordance with the fifth section of the act approved July two, eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the government the use of the same for postal, military, and other purposes,' approved July first, eighteen hundred and sixty-two," the Secretary of the Treasury is hereby directed to pay over in money to the Pacific railroad companies mentioned in said act, and performing services for the United States, one-half of the compensation at the rate provided by law for such services, heretofore or hereafter rendered: *Provided*, That this section shall not be construed to affect the legal rights of the government or the obligations of the companies, except as herein specifically provided.

Secretary of the Treasury to pay over to Pacific Railroad Companies one-half of compensation, &c.

1862, ch. 120, vol. xii, p. 489.
1864, ch. 216, vol. xiii, p. 366.

Legal rights of parties not otherwise affected.

Approved, March 3, 1871.

ACT OF 1873.

[17 U. S. STATUTES AT LARGE, PAGE 508.]

CHAP. CCXXVI.—*An Act making Appropriations for the legislative, executive and judicial Expenses of the Government for the Year ending June 30, 1874, and for other Purposes.* March 3, 1873.

SEC. 2. That the Secretary of the Treasury is directed to withhold all payments to any railroad company and its assigns, on account of freights or transportation, over their respective roads, of any kind, to the amount of payments made by the United States for interest upon bonds of the United States issued to any such company, and which shall not have been reimbursed together with the five per cent. of net earnings due and unapplied as provided by law; and any such company may bring suit in the Court of Claims to recover the price of such freight and transportation; and in such suit the right of such company to recover the same upon the law and the facts of the case shall be determined and also the rights of the United States upon the merits of all the points presented by it in answer thereto by them and either party to such suit may appeal to the Supreme Court; and both said courts shall give such cause or causes precedence of all other business.

Secretary of the Treasury to withhold payments to certain railroad companies for freight, &c.

Companies may bring suit in Court of Claims.

Appeal to Supreme Court. Causes to have precedence.

Approved, March 3, 1873.

ACT OF 1874.

[18 U. S. STATUTES AT LARGE, PAGES 111-12.]

June 20, 1874. CHAP. CCCXXXI.—*An act making additions to the fifteenth section of the act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862."*

1864, ch. 216,
vol. xiii, p.
362.

1862, ch. 120,
vol. xii, p.
489.

Amendment to section 15, Act July 2, 1864, ch. 216, vol. xiii, p. 362.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and is hereby, added to the fifteenth section of the act approved July second, eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military and other purposes,' approved July first, eighteen hundred and sixty-two," the following words, namely: "And any officer or agent of the companies authorized to construct the aforesaid roads, or of any company engaged in operating either of said roads, who shall refuse to operate and use the road or telegraph under his control, or which he is engaged in operating for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line, or shall refuse, in such operation and use, to afford and secure to each of said roads equal advantages and facilities as to rates, time, or transportation, without any discrimination of any kind in favor of, or adverse to, the road or business of any or either of said companies, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and may be imprisoned not less than six months. In case of failure or refusal of the Union Pacific Railroad Company, or either of said branches, to comply with the requirements of this act and the acts to which this act is amendatory, the party injured or the company aggrieved may bring an action in the District or Circuit Court of the United

Refusal to operate and use Pacific Railroad as continuous lines, &c. Penalty.

In case of a failure, &c., of Union Pacific Railroad Company, or branches, to comply, &c., parties ag-

States in the territory, district, or circuit in which any portion of the road of the defendant may be situated, for damages on account of such failure or refusal; and, upon recovery, the plaintiff shall be entitled to judgment for treble the amount of all excess of freight and fares collected by the defendant, and for treble the amount of damages sustained by the plaintiff by such failure or refusal; and for each and every violation of or failure to comply with the requirements of this act, a new cause of action shall arise; and in case of suit in any such territory, district, or circuit, process may be served upon any agent of the defendant found in the territory, district, or circuit in which such suit may be brought, and such service shall be by the court held to be good and sufficient; and it is hereby provided that for all the purposes of said act, and of the acts amendatory thereof, the railway of the Denver Pacific Railway and Telegraph Company shall be deemed and taken to be a part and extension of the road of the Kansas Pacific Railroad, to the point of junction thereof with the road of the Union Pacific Railroad Company at Cheyenne, as provided in the act of March third, eighteen hundred and sixty-nine.

grieved may bring suit for damages.

Treble damages, &c., may be recovered.

Service of process.

Denver Pacific Railway to be deemed extension of Kansas Pacific, 1869, ch. 127, vol. xv, p. 324.

Approved, June 20, 1874.

ACT OF 1874.

[18 U. S. STATUTES AT LARGE, PAGE 200.]

June 22, 1874. CHAP. CCCCXIV.—*An act providing for the collection of moneys due the United States from the Pacific Railroad Companies.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and hereby is, directed to require payment of the railroad-companies, their successors and assigns, or the successors or assigns of any or either of said companies, of all sums of money due or to become due, the United States for the five per centum of the net earnings provided for by the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes" approved July first, eighteen hundred and sixty-two, or by any other act or acts in relation to the companies therein named, or any other such company or companies, and in case either of said railroad companies shall neglect or refuse to pay the same within sixty days after demand therefor made upon the treasurer of such railroad company, the Secretary of the Treasury shall certify that fact to the Attorney-General, who shall thereupon institute the necessary suits and proceedings to collect and otherwise obtain redress in respect of the same in the proper circuit courts of the United States, and prosecute the same, with all convenient dispatch to a final determination.

Approved, June 22, 1874.

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