

Railroad to be a public highway.

act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said state": *Provided*, That said railroad shall be a public highway and shall transport troops and munitions of war of the United States free of charge.

Route of a certain railroad and telegraph changed.

SEC. 2. *And be it further enacted*, That the branch railroad and telegraph from "Lawrence, by the valley of the Wakarusa River, to a point on the Atchison, Topeka, and Santa Fee railroad, where said road intersects the Neosho River," to aid in the construction of which a grant of lands was made by the said act of third of March, eighteen hundred and sixty-three, shall be so changed as to run from Lawrence to Emporia, and have and receive the grant of lands made by said act: *Provided*, That the line of railroad and telegraph from Leavenworth, by way of Lawrence and the Ohio City crossing of the Osage River, to the southern line of the state in the direction of Galveston Bay, shall run via Baldwin city.

Proviso.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CXCIX. — *An Act to encourage and facilitate Telegraphic Communication between the Eastern and Western Continents.*

Preamble.

WHEREAS the governments of Russia and Great Britain have granted to Perry MacDonough Collins, a citizen of the United States, the right to construct and maintain a line of electric telegraph through their respective territories, from the mouth of the Amoor River, in Asiatic Russia, by way of Behring's strait and along the Pacific coast to the northern boundary of the United States, with a view of thereby uniting the telegraphic systems of both continents, and of promoting international and commercial intercourse; and whereas, the government of Russia, in furtherance of that object, is now constructing a line of telegraph through its Asiatic territory to unite at the mouth of the Amoor River with the line projected by said Collins; and whereas the government of the United States desires cordially to coöperate with Russia and Great Britain in the establishment and maintenance of such a line of communication; now, therefore —

Perry MacD. Collins and associates may construct lines of telegraph to boundaries of British America. 1860, ch. 137. Vol. xii. p. 41.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Perry MacDonough Collins, of California, his associates and assignees, shall have the right to construct and maintain a line or lines of telegraph from any point or points on the line of the Pacific telegraph, constructed in pursuance of the act of congress, approved June sixteen, eighteen hundred and sixty, northerly, through any of the territories of the United States, to the boundaries of British America, with such branch lines as may be needed to open communication with the various mining districts and other settlements in said territories. And for the purposes aforesaid, the said Collins, his associates and assignees, shall have a permanent right of way over any unappropriated public lands of the United States, together with the right to take any timber and stone for construction purposes; and for the purpose of establishing and maintaining said lines and the stations necessary for the repair and working thereof, there is hereby granted to said parties the use of so much unappropriated public lands not sold, granted, reserved, preempted, nor occupied by homestead settlers, as may be necessary for stations, not exceeding forty acres for each fifteen miles of line constructed across the public lands of the United States, so long as the same may be used for said purpose: *Provided, however*, that so much of section one of this act as authorizes the construction of telegraph lines to open communications with the various mining districts and other settlements in said territories, shall be null and void, unless said branch-lines shall be completed within five years from the approval hereof.

Right of way over public lands.

Grant of lands for stations.

Proviso.

SEC. 2. *And be it further enacted,* That in order to encourage and aid the construction of said line of telegraph beyond the limits of the United States, the Secretary of the Navy is authorized to detail for the use of the surveys and soundings along that portion of the Pacific coast both of America and Asia, where it is proposed to establish said telegraph, one steam or sailing vessel, in his discretion, to assist in surveys and soundings, laying down submerged cable, and in transporting materials connected therewith, and generally afford such assistance as may be deemed best calculated to secure a successful promotion of the enterprise.

Secretary of Navy may detail vessel to aid in laying telegraph.

SEC. 3. *And be it further enacted,* That the government of the United States shall, at all times, have priority in the use of the line or lines, so far as the same are within its territory, and shall have the right, when authorized by law, to connect said line or lines by telegraph with any military posts of the United States, and to use the same for government purposes. And in order to secure the same from injury by savages or other evil-disposed persons, to the interruption of the public business, the Secretary of War is authorized to direct the commanders of the military districts or stations, and other officers, acting under authority of the United States in the territories traversed by said telegraph, to use any available force at their command to protect the same. Subject to the right of prior use by the government, as aforesaid, said line or lines shall be at all times open to the public and to any other telegraph company upon the payment of the regular charges for transmission of despatches, and all despatches received shall be transmitted over said line and lines in the order of their reception at the telegraphic office; and the answers to said despatches shall be delivered to such parties as may be directed by the sender.

Government to have priority in use of lines.

Security from injury by savages.

Lines to be open to public.

SEC. 4. *And be it further enacted,* That the better to accomplish the object of this act, namely, to promote the public interest and welfare, by facilitating international and commercial intercourse between the eastern and western continents in the construction of said telegraph, 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 diplomatic, naval, military, postal, commercial, and other purposes, congress may, at any time, add to, alter, amend, or repeal this act.

Act may be altered, &c.

SEC. 5. *And be it further enacted,* That the rate of charges for public or private messages shall not exceed on said line the average usual rates in Europe and America for the same service, or such rates as shall be ascertained and fixed by a convention between the United States, Russia, and Great Britain: *Provided,* That it shall not be lawful for the owners or officers of said telegraph line to make any contract, either directly or through any intervening party or parties, for the transmission of despatches for any newspaper or newspaper association, upon terms different from those open to the enjoyment of all other newspapers or newspaper associations.

Rate of charges for messages.

Despatches for newspapers, &c., to be same for all.

APPROVED, July 1, 1864.

CHAP. CC. — *An Act repealing so much of "An Act to supply Deficiencies in the Appropriations for the Service of the Fiscal Year ending the thirtieth of June, eighteen hundred and sixty-four, and for other Purposes," approved March fourteen, eighteen hundred and sixty-four, as appropriates twenty-five thousand Dollars for erecting a Naval Hospital at Kittery, Maine.*

July 1, 1864.

1864, ch. 30.
Ante, p. 26.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and sixty-four, and for other purposes," approved, March fourteen, eighteen hundred and sixty-four, as appropriates "for erecting naval hospital at Kittery, Maine, twenty-five thousand dollars," be, and the same is hereby, repealed.

Repeal of authority to erect a naval hospital at Kittery, Me.

APPROVED, July 1, 1864.