THIRTY-EIGHTH CONGRESS. Sess. I. Ch. 215, 216. 1864.

July 2, 1864.

Chap. CCXV. — An Act to provide for the more speedy Punishment of Guerilla Marauders, and for other Purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the twenty-first section of an act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved third March, eighteen hundred and sixty-three, shall apply as well to the sentences of military commissions as to those of courts-martial, and hereafter the commanding general in the field, or the commander of the department, as the case may be, shall have power to carry into execution all sentences against guerilla marauders for robbery, arson, burglary, rape, assaulted with intent to commit rape, and for violation of the laws and customs of war, as well as sentences against spies, mutineers, deserters, and murderers.

SEC. 2. And be it further enacted, That every officer authorized to order a general court-martial shall have power to pardon or mitigate any punishment ordered by such court, including that of confinement in the penitentiary, except the sentence of death, or of cashiering or dismissing an officer, which sentences it shall be competent during the continuance of the present rebellion for the general commanding the army in the field, or the department commander, as the case may be, to remit or mitigate; and the fifth section of the act approved July seventeenth, eighteen hundred and sixty-two, chapter two hundred and one, be, and the same is hereby, repealed, so far as it relates to sentences of imprisonment in the penitentiary.

Soldiers sick in hospital and discharged, but dying in hospital, and shall be unable to leave, or to avail himself of his discharge, in consequence of sickness or of wounds, and shall subsequently die in such hospital, he shall be deemed to have died in the military service, so far as relates to bounties.

APPROVED, July 2, 1864.

July 2, 1864.

Chap. CCXVI. — 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.

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 Railroad 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.

SEC. 2. And be it further enacted, That the Union Pacific Railroad 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 New York, and in each of the cities of Boston, Philadelphia, Baltimore, Chicago, Cincinnati, and Saint 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 assess-
ments 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.

SEC. 3. And be it further enacted, That the Union Pacific Railroad
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 house[s], 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 road-bed, though standing or being
more than one hundred feet therefrom. And in case the owner or claim-
ant of such lands or premises and such company cannot agree as to the
damages, the amount shall be determined by the appraisal of three dis-
interested 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 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 appraisement, 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 pur-
poses 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 con-
struction, 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 appraisement of the
premises to be taken, and with the same effect as have been already de-
scribed. 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 guar-
dian 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 insti-
tute 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 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
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 supervis-
ion 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.

Amendments

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 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, &c., 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 preemption 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 one hundred and sixty acres for each
settler who claims as an agriculturalist, and such quantity for each settler
who claims as a miner, as the said commissioner may establish by general
regulation: Provided, also, That the phrase “but where the same shall
contain timber, 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 second,
eighteen hundred and sixty-two, and notice thereof given at the proper
land-office.

Lands granted
to colleges not in-
cluded herein.

SEC. 5. And be it further enacted, That the time for designating the
general route of said railroad, and of filing the map of the same, and the
time for the completion of that part of the railroads 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
Railroad 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.

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 railroad 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 railroad and telegraph line be examined and reported on, by the 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 railroad company of California of any portion of not less than twenty consecutive miles of their said railroad and telegraph line, upon the certificate of said commissioners that such portion is completed as required by the act to 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. 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 railroads 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.

SEC. 8. And be it further enacted, That for the purpose of facilitating the work on said railroad, and of enabling the said company as early as practicable to commence the grading of said railroad 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 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 certified by the commissioners appointed by the President, according to the terms and provisions of the said act; and no such bonds shall issue to the Union Pacific Railroad Company for work done west of Salt Lake City under this section, more than three hundred
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 Railroad 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 hereinafore 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 hereinafore provided, if the same had united with the Union Pacific Railroad on the 100th 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.

And be it further enacted, That section five of said act be modified and amended that the Union Pacific Railroad Company, the Central Pacific Railroad Company, and any other company authorized to participate in the construction of said road, may, on 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 railroad 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 railroad 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."

And be it further enacted, That if any of the railroad 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 guaranteed bonds, or said first mortgage bonds, the amount of such corporate bonds outstanding and unsatisfied, or uncancelled, 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 out-

miles in advance of the completed continuous line of said railroad from the point of beginning on the one hundredth meridian of longitude.
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standing, 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, set-
ing 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.

Sec. 12. And be it further enacted, That the Leavenworth, Pawnee, and
Western Railroad Company, now known as the Union Pacific Railroad
Company, eastern division, shall build the railroad 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 railroad 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 Railroad
Company shall not be proceeding in good faith to build the said railroad
through the territories when the Leavenworth, Pawnee, and Western
Railroad Company, now known as the Union Pacific Railroad 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 Railroad
Company on the same line. And the said railroad 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 con-
struction of any part of the main trunk-line of said railroad 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.

Sec. 13. And be it further enacted, That at and after the next election
of directors, the number of directors to be elected 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 di-
rectors. 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 direct-
ors 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 neces-
sary 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 travelling expenses, and be allowed and paid such rea-

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sonable 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 railroad 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 autho-
rized 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 se-
cure to each equal advantages and facilities as to rates, time, and trans-
portation, 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 busi-
ness of any or either of the others, and it shall not be lawful for the pro-
prieters 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 for-
feiting to the person injured for each offence, the sum of one hundred dol-
ars, 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 com-
panies authorized to participate in the benefits of this act, are hereby an-
thorized at any time to unite and consolidate their organizations, as the
same may or shall be, upon such terms and conditions, and in such man-
ner 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 com-
panies 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 require-
ments which said companies respectively, at the time of such consolidat-
ion, 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 ap-
pertaining 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 in-
tended 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 uncon-
structed road is hereinbefore authorized to be built, until such continuation
of the road of such consolidated organization shall reach the constructed
road and telegraph of said other company, and at such point to connect
and unite therewith; and for and in aid thereof the said consolidated or-
ganization may do and perform, in reference to such portion of road and
telegraph as shall so be in continuation of its constructed road and tel-
egraph, 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, immu-
nities, guarantees, acts, and things to be done and performed by the gov-
ernment of the United States, by the President of the United States, by
the Secretaries of the Treasury and Interior, and by commissioners in ref-
ereuce to such company, and to such portion of the road hereinbefore au-
thorized to be constructed by it, and upon the like and similar terms and
conditions, so far as the same are applicable thereto. And said consoli-
dated company shall pay to said defaulting company the value to be esti-
mated by competent engineers of all the work done and material furnished
by said defaulting company, which may be adopted and used by said con-
solidated 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 herein-
before provided, on its own election, pay said consolidated company the
value of the work done and material furnished by said consolidated com-
pany, 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 herein-
before granted to such other company. And in case any company autho-
rized 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 conditions of this act, hereinbefore recited as to
one, shall apply in like manner, force, and effect to the other. Provided,
hower, That rights and interests at any time acquired by one such con-
solidated organization, shall not be impaired by another thereof. It is
further provided that, should the Central Pacific Railroad Company of
California complete their line to the eastern line of the State of Califor-
nia, before the line of the Union Pacific Railroad 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 pro-
visions 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 Railroad Company.

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 Presi-
dent of the United States, by its request, may designate or approve for
that purpose, shall construct and operate a line of railroad 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
Railroad from Omaha, or the Union Pacific Railroad, 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 Railroad 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 Railroad 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 Railroad Company would 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 railroad 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 Railroad within ten years from the passage of this act, then, and in that case, all of the railroad which shall have been constructed by said company shall be forfeited to, and become the property of, the United States.

SEC. 18. And be it further enacted, That the Burlington and Missouri River Railroad Company, a corporation organized under and by virtue of the laws of the State of Iowa, be, and hereby is, authorized to extend its 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 Railroad, 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 Railroad 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 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 Railroad 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 preemption 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.

SEC. 20. And be it further enacted, That whenever said Burlington and Missouri River Railroad Company shall have completed twenty con-
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secutive 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, 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 Saint Joseph's Railroad 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 Railroad Company 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. 22. And be it further enacted, That congress may, at any time, alter, amend, or repeal this act.

APPROVED, July 2, 1864.

CHAP. CCXVII. — An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from Lake Superior to Puget's Sound, on the Pacific Coast, by the Northern Route.