THIRTY-NINTH CONGRESS. Sess. I. Ch. 218, 219. 1866.

use of the company all his, her, or their right, title, and interest in and to every share on which such instalments have not been duly paid; and fresh subscriptions may be opened for the said shares in such manner as the by-laws may prescribe, or the president and directors may, at their option, commence suit for any instalment that may be due and unpaid, and recover against the holder of said stock for the amount of the same: Provided, That no stockholder or subscriber shall be permitted to vote at any election for directors or at any general or special meeting of the company, on whose shares any instalments or arrearages may be due more than fifteen days previous thereto.

SEC. 5. And be it further enacted, That the president and directors for the time being shall have power to ordain, establish, and put in execution such rules, regulations, ordinances, and by-laws as they may deem essential for the well-government of the institution, not contrary to the laws and Constitution of the United States or of any State, or of this act, and generally to do and perform all acts, matters, and things which a corporation may or can lawfully do.

SEC. 6. And be it further enacted, That the president and directors are hereby empowered and fully authorized, on behalf of said company, to carry on the business of mining for iron ore and other native minerals, and manufacturing and preparing the same for market; and to purchase and hold by deed for a term or in fee simple such real estate and other property within the District of Columbia and State of Virginia as may be necessary and proper for the purposes aforesaid; and to issue bonds not exceeding one half of the capital stock, upon such terms as may be deemed for the best interests of the company: Provided, That no bond shall be issued for a less sum than one hundred dollars, or bearing interest at a rate exceeding six per centum per annum.

SEC. 7. And be it further enacted, That the president and directors are hereby empowered and fully authorized, on behalf of said company, to lease, demise, bargain, sell, and convey any lands and real estate which may be owned or held by said company, and to execute and deliver to purchasers good and sufficient deeds therefor.

SEC. 8. And be it further enacted, That the stock of said company shall be transferred on the books of the company in such manner only as the by-laws of the company shall direct.

SEC. 9. And be it further enacted, That nothing in this act shall be so construed as making it perpetual, but Congress may at any time alter, amend, or repeal the same.

APPROVED, July 23, 1866.

CHAP. CCXIX. — An Act to quiet Land Titles in California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where the State of California has heretofore made selections of any portion of the public domain in part satisfaction of any grant made to said State by any act of Congress, and has disposed of the same to purchasers in good faith under her laws, the lands so selected shall be, and hereby are, confirmed to said State: Provided, That no selection made by said State contrary to existing laws shall be confirmed by this act for lands to which any adverse pre-emption, homestead, or other right has, at the date of the passage of this act, been acquired by any settler under the laws of the United States, or to any lands which have been reserved for naval, military, or Indian purposes by the United States, or to any mineral land, or to any land held or claimed under any valid Mexican or Spanish grant, or to any land which, at the time of the passage of this act, was included within the limits of any city, town, or village, or within the county of San Francisco: And provided further, That the State of California shall not re-
receive under this act a greater quantity of land for school or improvement purposes than she is entitled to by law.

Sec. 2. And be it further enacted, That where the selections named in section one of this act have been made upon land which has been surveyed by authority of the United States, it shall be the duty of the proper authorities of the State, where the same has not already been done, to notify the register of the United States land office for the district in which the land is located of such selection, which notice shall be regarded as the date of the State selection, and the commissioner of the general land office shall, immediately after the passage of this act, instruct the several local registers to forward to the general land office, after investigation and decision, all such selections, which, if found to be in accordance with section one of this act, the commissioner shall certify over to the State in the usual manner.

Sec. 3. And be it further enacted, That where the selections named in section one of this act have been made upon lands which have not been surveyed by authority of the United States, but which selections have been surveyed by authority of and under the laws of said State, and the land sold to purchasers in good faith under the laws of the State, such selections shall, from the date of the passage of this act, when marked off and designated in the field, have the same force and effect as the pre-emption rights of a settler upon unsurveyed public land; and if, upon survey of such lands by the United States, the lines of the two surveys shall be found not to agree, the selection shall be so changed as to include those legal subdivisions which nearest conform to the identical land included in the State survey and selection. Upon the filing with the register of the proper United States land office of the township plat in which any such selection of unsurveyed land is located, the holder of the State title or claim shall be allowed the same time to present and prove up his purchase or claim under this act as is allowed pre-emptors under existing laws; and if found in accordance with section one of this act, the land embraced therein shall be certified over to the State by the commissioner of the general land office.

Sec. 4. And be it further enacted, That in all cases where township surveys have been, or shall hereafter be, made under authority of the United States, and the plats thereof approved, it shall be the duty of the commissioner of the general land office to certify over to the State of California, as swamp and overflowed, all the lands represented as such, upon such approved plats, within one year from the passage of this act, or within one year from the return and approval of such township plats. The commissioner shall direct the United States surveyor-general for the State of California to examine the segregation maps and surveys of the swamp and overflowed lands made by said State; and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to the general land office for approval: Provided, That in segregating large bodies of land, notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land. In case such State surveys are found not to be in accordance with the system of United States surveys, and in such other townships as no survey has been made by the United States, the commissioner shall direct the surveyor-general to make segregation surveys, upon application to said surveyor-general by the governor of said State, within one year of such application, of all the swamp and overflowed land in such townships, and to report the same to the general land office, representing and describing what land was swamp and overflowed under the grant, according to the best evidence he can obtain. If the authorities of said State shall claim as swamp and overflowed any land not represented as such upon the map or in the returns of the survey—\if State claims as swamp, &c. lands any not so represented in
map, character
ors, the character of such land at the date of the grant, September
twenty-eight, eighteen hundred and fifty, and the right to the same, shall
be determined by testimony, to be taken before the surveyor-general, who
shall decide the same, subject to the approval of the commissioner of the
general land office.

Sec. 5. And be it further enacted, That it shall be the duty of the
commissioner of the general land office to instruct the officers of the
local land offices and the surveyor-general, immediately after the passage
of this act, to forward lists of all selections made by the State referred to
in section one of this act, and lists and maps of all swamp and overflowed
lands claimed by said State, or surveyed as provided in this act, for final
disposition and determination, which final disposition shall be made by
the commissioner of the general land office without delay.

Sec. 6. And be it further enacted, That an act entitled “An act to
provide for the survey of the public lands in California, the granting of
pre-emption rights therein, and for other purposes,” approved March
third, one thousand eight hundred and fifty-three, shall be construed as
giving the State of California the right to select for school purposes other
lands in lieu of such sixteenth and thirty-sixth sections as were settled
upon prior to survey, reserved for public uses, covered by grants made
under Spanish or Mexican authority, or by other private claims, or where
such sections would be so covered if the lines of the public surveys were
extended over such lands, which shall be determined whenever township
lines shall have been extended over such land, and in case of Spanish or
Mexican grants, when the final survey of such grants shall have been made.
The surveyor-general for the State of California shall furnish the
State authorities with lists of all such sections so covered, as a basis of se-
lection, such selections to be made from surveyed lands, and within the
same land district as the section for which the selection is made.

Sec. 7. And be it further enacted, That where persons in good faith,
and for a valuable consideration, have purchased lands of Mexican grant-
ees or assigns, which grants have subsequently been rejected, or where
the lands so purchased have been excluded from the final survey of any
Mexican grant, and have used, improved, and continued in the actual pos-
buy same at
minimum price,

Sec. 8. And be it further enacted, That in all cases where a claim to
land by virtue of a right or title derived from the Spanish or Mexican
authorities has been finally confirmed, and a survey and plat thereof shall
not have been requested within ten months from the passage of this act,
as provided by sections six and seven of the act of July first, eighteen
hundred and sixty-four, “To expedite the settlement of titles to lands in
the State of California,” and in all cases where a like claim shall hereafter
be finally confirmed, and a survey and plat thereof shall not be requested,
as provided by said sections within ten months after the passage of this

act, or any final confirmation hereafter made, it shall be the duty of the
surveyor-general of the United States for California, as soon as practica-
ble after the expiration of ten months from the passage of this act, or
such final confirmation hereafter made, to cause the lines of the public
surveys to be extended over such land, and he shall set off, in full satis-
faction of such grant, and according to the lines of the public surveys, the
quantity of land confirmed in such final decree, and as nearly as can be
done in accordance with such decree; and all the land not included in
such grant as so set off shall be subject to the general land laws of the
United States: Provided, That nothing in this act shall be construed so
as in any manner to interfere with the right of bona fide pre-emption
claimants.

SEC. 9. And be it further enacted, That from the decrees of the dis-
trict courts of the United States for the district of California, approving
or correcting the surveys of private land claims under Spanish or Mexi-
can grants, rendered after the first day of July, one thousand eight hun-
dred and sixty-five, an appeal shall be allowed for the period of one year
after the entry of such decrees to the circuit court of the United States
for California, as provided by section three of the act of July first, one
thousand eight hundred and sixty-four, to expedite the settlement of titles
to land in the State of California, and the decision of the circuit court shall
be final: Provided, however, That from decrees of the district courts, as
aforesaid, made after July one, eighteen hundred and sixty-five, and prior to
the passage of this act, an appeal may be taken to the United States cir-
cuit court for the State of California within one year from the approval
of this act.

APPROVED, July 23, 1866.

CHAP. CCXXX. — An Act to aid in the Construction of Telegraph Lines, and to secure
to the Government the Use of the same for postal, military, and other Purposes.

Be it enacted by the Senate and House of Representatives of the United
States of America in Congress assembled, That any telegraph company
now organized, or which may hereafter be organized under the laws of
any State in this Union, shall have the right to construct, maintain, and
operate lines of telegraph through and over any portion of the public do-
main of the United States, over and along any of the military or post
roads of the United States which have been or may hereafter be declared
by act of Congress, and over, under, or across the navigable streams of
the United States: Provided, That such lines of telegraph shall be so con-
structed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such
military or post roads. And any of said companies shall have the right
to take and use from such public lands the necessary stone, timber, and
other materials for its posts, piers, stations, and other needful uses in the
construction, maintenance, and operation of said lines of telegraph, and
may pre-empt and use such portion of the unoccupied public lands sub-
ject to pre-emption through which its said lines of telegraph may be lo-
cated as may be necessary for its stations, not exceeding forty acres for
each station; but such stations shall not be within fifteen miles of each
other.

SEC. 2. And be it further enacted, That telegraphic communications
between the several departments of the government of the United States
and their officers and agents shall, in their transmission over the lines of
any of said companies, have priority over all other business, and shall be
sent at rates to be annually fixed by the Postmaster-General.

SEC. 3. And be it further enacted, That the rights and privileges here-
by granted shall not be transferred by any company acting under this act
to any other corporation, association, or person: Provided, however, That

over said land, and quantity set off.

1864, ch. 194, §§ 5, 7.


Land not set off, subject to general land laws of the United States.

Rights of bona fide pre-emption claimants not interfered with.

Appeals from decrees of district courts respecting surveys of certain private
land claims after July 1, 1865, to circuit court.

Decision of circuit court to be final.

Appeal from certain decrees of district courts.

July 24, 1866.

Telegraph companies may maintain and operate lines of telegraph over
certain public domains, and across navigable waters of the United
States.

Lines to be so constructed as not to obstruct, &c.

Materials for construction, &c. may be taken from public lands.

States.

Telegrams for the government to have priority of transmission.

Rates to be annually fixed.

Rights and privileges not to be transferred.