or near Preston, in the State of Texas, with grants of land according to
the provisions of this act, but upon the further special condition, never-
theless, that said railroad company shall have commenced in good faith
the construction thereof before the said Kansas and Neosho Valley Rail-
road Company shall have completed its said railroad to said point: And
provided further, That said other railroad company, so having com-
cenced said work in good faith, shall continue to prosecute the same
with, sufficient energy to insure the completion of the same within a rea-
sonable time, subject to the approval of the President of the United
States: And provided further, That the right of way through private
property when not otherwise provided for in this act, or by the law of
any State through which the road may pass, shall be obtained by said
Kansas and Neosho Valley Railroad Company, or either of the other
companies named in this act, in accordance with the provisions of section
three of an act to amend an act entitled “An act to aid in the construc-
tion of a railroad and telegraph line from the Missouri River to the Pa-
cific Ocean, and to secure to the government the use of the same for
postal, military, and other purposes,” approved July first, eighteen hun-
dred and sixty-two.

Approved, July 25, 1866.

CHAP. CCXLII. — 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 Ore-
gon Railroad Company,” organized under an act of the State of Califor-
ia, 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 un-
der 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 be-
tween 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 Sacra-
mento 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 souther-
ly 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 ar-
ived 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 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 further enacted, That there be, and hereby is, granted
to the said companies, their successors and assigns, for the purpose of aid-
ing 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

Preston, Texas, with grants of
land, &c.
THIRTY-NINTH CONGRESS. Sess. I. Ch. 242. 1866.

If any sections of land have been 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 said 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 where they lie. 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.

SEC. 3. And it be further enacted, That the right of way through 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, workshops, depots, machine-shops, switches, side-tracks, turn-tables, water stations, or any other structures required in the construction and operating of said road.

SEC. 4. And it be 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, whenever 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 companies shall keep said railroad and
telegraph in repair and use, and shall at all times transport the mails upon
said railroad, and transmit despatches by said telegraph line for the gov-
ernment 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 operat-
ing the same, when so required by the government of 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 said railroad shall be of the same gauge as the “Central Pacific Railroad” of Califor-
nia, and be connected therewith.

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 gov-
ernment and public are concerned, as one connected and continuous line;
and in such operation and use to afford and secure to each other equal ad-
vantages and facilities as to rates, time, and transportation, without any
discrimination whatever, on pain of forfeiting the full amount of damage
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.

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
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 re-
vert 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 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-
after 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.

SEC. 9. And be it further enacted, That the said “California and Or-
egan Railroad Company” and the said “Oregon Company” shall be gov-
erned 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 pro-
vided for in this act. Wherever the word “company” or “companies”
is used in this act it shall be construed to embrace the words “their asso-
ciates, successors, and assigns,” the same as if the words had been inserted,
or thereto annexed.

SEC. 10. And be it further enacted, That all mineral lands shall be ex-
cepted 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.

VOL. XIV. 16
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.

SEC. 12. And be it further enacted, That Congress may at any time, having due regard for the rights of said California and Oregon railroad companies, add to, alter, amend, or repeal this act.

APPROVED, July 25, 1866.

July 25, 1866. CHAP. CCXLIII. — An Act to change the Place of holding Court in the Northern District of Georgia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the district court for the northern district of Georgia shall hereafter be held at Atlanta, instead of Marietta; and the clerk of said northern district is hereby required to remove all the books, papers, and records belonging to his office from Marietta to Atlanta.

SEC. 2. And be it further enacted, That all process made returnable to the court heretofore held at Marietta shall be taken and considered returnable to the court at Atlanta.

APPROVED, July 25, 1866.

July 25, 1866. CHAP. CCXLIV. — An Act granting to A. Sutro the Right of Way, and granting other Privileges to aid in the Construction of a Draining and Exploring Tunnel to the Comstock Lode, in the State of Nevada.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the construction of a deep draining and exploring tunnel to and beyond the Comstock lode," so called, in the State of Nevada, the right of way is hereby granted to A. Sutro, his heirs and assigns, to run, construct, and excavate a mining, draining, and exploring tunnel; also to sink mining, working, or air shafts along the line or course of said tunnel, and connecting with the same at any point which may hereafter be selected by the grantee herein, his heirs or assigns. The said tunnel shall be at least eight feet high and eight feet wide, and shall commence at some point to be selected by the grantee herein, his heirs or assigns, at the hills near Carson River, and within the boundaries of Lyon County, and extending from said initial point in a westerly direction seven miles, more or less, to and beyond said Comstock lode; and the said right of way shall extend northerly and southerly on the course of said lode, either within the same, or east or west of the same; and also on or along any other lode which may be discovered or developed by the said tunnel.

SEC. 2. And be it further enacted, That the right is hereby granted to the said A. Sutro, his heirs and assigns, to purchase, at one dollar and twenty-five cents per acre, a sufficient amount of public land near the mouth of said tunnel for the use of the same, not exceeding two sections, and such land shall not be mineral land or in the bona fide possession of other persons who claim under any law of Congress at the time of the passage of this act, and all minerals existing or which shall be discovered therein are excepted from this grant; that upon filing a plat of said land the Secretary of the Interior shall withdraw the same from sale, and upon payment for the same a patent shall issue. And the said A. Sutro, his heirs and assigns, are hereby granted the right to purchase, at five dollars per acre, such mineral veins and lodes within two thousand feet on each side of said tunnel as shall be cut, discovered, or developed by running and constructing the same, through its entire extent, with all the dips, spurs, and angles of such lodes, subject, however, to the