

March 2, 1867. CHAP. CLXXXIX. — *An Act granting Lands to aid in the Construction of a Railroad from the City of Stockton to the Town of Copperopolis, in the State of California.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way through the public lands be, and the same is hereby, granted to the Stockton and Copperopolis Railroad Company, a corporation organized under the laws of the State of California, its successors and assigns, for the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California, by the most feasible route, to be selected by said company; and the right is hereby given to said company to take from the public lands adjacent to the line of said road material for the construction thereof. Said right of way is granted to said company to the extent of one hundred feet in width on each side of said road where it may pass through the public domain; also all necessary ground for station buildings, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations: *Provided,* That all the rights conferred upon said railroad company by this act are made upon the express condition that said company shall first be designated by the legislature of the State of California as the company to be vested with the rights, privileges, franchises, and grants created or conferred by this act.

SEC. 2. *And be it further enacted,* That there be, and is hereby, granted to the State of California, for the construction of the said Stockton and Copperopolis railroad, its successors and assigns, for the purpose of aiding in the construction of the said railroad, upon the condition prescribed in section one of this act, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores over the route of said line of railway, every alternate section of public land designated by odd numbers to the extent of five alternate sections on each side of said railroad line as said company may adopt, whenever on the line thereof the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from pre-emption or other claims or rights at the time the line of said road is definitely fixed and a plot thereof filed in the office of the commissioner of the general land-office. And whenever, prior to said time, any of said sections or parts of sections shall have been granted, sold, reserved, or covered by private land grants, or occupied by homestead settlers, or pre-empted, or otherwise disposed of, other lands shall be selected by said company, in lieu thereof, on the line of said road, within twenty miles of the same, under the direction of the Secretary of the Interior, in alternate sections, and designated by odd numbers: *Provided,* That all lands containing gold or silver, or copper, be, and the same are hereby, excluded from the operations of this act, and in lieu thereof a like quantity of unoccupied and unappropriated lands, in odd-numbered sections, within the said twenty miles of the line of said road, may be selected as above provided: *And provided further,* That the word "mineral," when it occurs in this act, shall not be held to include iron or coal.

SEC. 3. *And be it further enacted,* That whenever said railroad company shall have ten consecutive miles of any portion of said railroad ready for the service contemplated, the Pacific railroad commissioners shall examine the same; and if it shall appear that ten miles of said road have been completed in a good and substantial manner, and in all respects as required by this act, the commissioners shall so report to the President of the United States, and patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands hereinbefore granted, situated opposite to and coterminous with said completed section of said road, within twenty miles thereof. And from time to time, whenever ten additional miles shall have been constructed, completed, and in readiness as aforesaid, and verified by the commissioners to the President of the United States, then patents shall be issued to said

Right of way through public lands granted to the Stockton and Copperopolis R. R. Co.

Route.

Material from adjacent lands. Extent of grant.

Ground for stations, &c.

Condition of grant.

Grant of public land to California to aid in construction of said road.

Alternate sections.

Lands in lieu of those reserved, &c.;

those containing gold, silver, or copper, excepted from act.

"Mineral" not to include iron or coal.

Patents to issue for lands as sections of ten consecutive miles of road are ready for service.

Commissioners.

company, conveying the additional sections of land as aforesaid, and so on as fast as every ten miles of said road is completed. The services of said commissioners under this act shall be paid by said company.

Commissioners to be paid by the company.

SEC. 4. *And be it further enacted,* That said railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turnouts, stations, and watering places, and all other appurtenances, including furniture and rolling stock, equal in all respects to railroads of the first class when prepared for business, with rails of the best quality; and a uniform gauge with the Pacific railroad shall be established the entire length of the road.

Railroad, how to be constructed;

gauge.

SEC. 5. *And be it further enacted,* That the President of the United States shall cause the lands to be surveyed for twenty miles in width on both sides of the entire line of the said road, after the general route shall be fixed, and as fast as may be required by the construction of said railroad; and the odd sections of land hereby granted shall not be liable to sale or entry, or pre-emption, before or after they are surveyed, except by said company, as provided in this act; but the provisions of the act of September, eighteen hundred and forty-one, granting pre-emption rights, and the acts amendatory thereof, and of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twenty, eighteen hundred and sixty-two, shall be, and the same are hereby, extended to all other lands on the line of said road when surveyed, excepting those hereby granted to said company; and the sections and parts of sections which shall remain in the United States within ten miles of said railroad on each side thereof shall not be sold for less than two dollars and fifty cents per acre.

Lands on both sides of road to be surveyed.

Odd sections not liable to entry, &c. except &c.

1841, ch. 16.
Vol. v. p. 453.
1862, ch. 75.
Vol. xii. p. 392

SEC. 6. *And be it further enacted,* That each and every grant, right, and privilege are so made and given to and accepted by said Stockton and Copperopolis Railroad Company upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than ten miles per year after the second year, and shall construct, furnish, equip, and complete the whole road by the fourth day of July, eighteen hundred and seventy-two; and upon a failure of said company to comply with either of said conditions, the lands then unpatented to said company shall revert to the United States.

Conditions of grant.

Time of commencing and completing road.

Unpatented lands to revert.

SEC. 7. *And be it further enacted,* That the United States make the several conditioned grants herein, and that the said Stockton and Copperopolis Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions thereof, and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, Congress may do any and all acts and things which may be needful and necessary to insure a speedy completion of said road.

If conditions of grant remain broken one year, Congress may complete the road.

SEC. 8. *And be it further enacted,* That said Stockton and Copperopolis Railroad, or any part thereof, shall be a post-route and military railroad, subject to the use of the United States for postal, military, naval, and all other government service, and also subject to such regulations as Congress may impose restricting the charges for such government transportation, and all troops and munitions of war of the United States shall be transported over the said railroad free of all expense or charge to the government therefor, whenever the same shall be required by the government of the United States.

Railroad made a post-route and military road.

Transportation for the United States to be free.

SEC. 9. *And be it further enacted,* That the acceptance of the terms, conditions, and impositions of this act, by the said Stockton and Copperopolis Railroad Company, shall be signified in writing, under the corporate seal of the said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within two years after the passage of this act, and not afterward, and

Conditions of grant to be accepted, how and when.

shall be served on the President of the United States, and filed in the office of the Secretary of the Interior.

SEC. 10. *And be it further enacted,* That unless the said Stockton and Copperopolis Railroad Company shall obtain bona fide subscription to the stock of said company to the amount of two hundred thousand dollars, with five per centum paid within two years after the passage and approval of this act, it shall be null and void.

SEC. 11. *And be it further enacted,* That Congress may, at any time, having due regard for the rights of said railroad company, add to, alter, amend, or repeal this act.

SEC. 12. *And be it further enacted,* That lots in towns and villages shall be exempt from the provisions of this act.

APPROVED, March 2, 1867.

March 2, 1867. CHAP. CXC. — *An Act to incorporate the Joint Stock Company of the Young Men's Christian Association of Washington.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That S. P. Chase, O. O. Howard, John R. Elvans, S. L. Brown, H. D. Cooke, James Harlan, George P. Fisher, O. H. Browning, James A. Ekin, A. R. Shepherd, B. H. Stinemetz, William Ballantyne, A. C. Richards, F. A. Lutz, L. Clephane, and Samuel Norment, all of the District of Columbia, and their associates and successors, are hereby erected into a body corporate in deed and in law, by the name, style, and title of the Joint Stock Company of the Young Men's Christian Association, for the purpose of erecting a suitable building for the meetings of the association, with a hall, free reading rooms, and library for the employees of the public departments and the citizens of the District of Columbia.

SEC. 2. *And be it further enacted,* That the said corporation, by the same name and title, shall have a capital stock of two hundred thousand dollars (\$200,000) in shares of twenty-five dollars (\$25) each, and be able to sue and be sued, plead and be impleaded, in all courts of law, and elsewhere, and shall be capable and able, in law and equity, to take, purchase, hold, and receive to them and their successors, for the use of said company, lands, tenements, choses in action, goods and chattels of whatever kind, nature or quality, real, personal, or mixed, which now are or hereafter may become the property of said corporation or be held for their use, by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise from any person whomsoever capable of making the same: *Provided,* [That] the value of the real and personal estate held by this corporation shall never exceed the said sum of two hundred thousand dollars. The said corporation may have a common seal, and at pleasure alter, change, or renew the same, and in general do all things which may be necessary for the well-being and due management of said corporation.

SEC. 3. *And be it further enacted,* That the corporation hereby erected shall have power to elect a board of directors and such officers for its government, the management of its property, and the superintendence of its affairs, and make such by-laws as they may deem proper, not inconsistent with the constitution and laws of the United States, and to change or modify them at pleasure.

SEC. 4. *And be it further enacted,* That the board of directors shall receive all rents and revenues arising from the building, and shall from the rents and revenues received by them declare and pay an annual interest of not exceeding six per cent upon the capital stock of said corporation.

SEC. 5. *And be it further enacted,* That when the rents and revenues of the building shall exceed the amount necessary to pay the interest upon the capital stock, the board of directors shall pay over to the Young

This act to be void unless, &c. Subscription to and payment of stock.

Act may be repealed, &c.

Town and village lots exempted.

Joint Stock Company of the Young Men's Christian Association incorporated.

Objects.

Capital stock.

Powers of corporation.

Limit to value of property.

Seal.

Directors.

By-laws.

Directors to receive rents, &c. and pay interest on stock.

Surplus of rents, &c. above interest, how to be applied.