

Rules of evidence, etc., not affected.

SEC. 5. That except as expressly provided in this Act, nothing therein contained, nor any Act thereunder shall change or affect the present rules of evidence or the present presumptions of law.

Repeal.

SEC. 6. That all Acts and parts of Acts inconsistent herewith be, and the same is hereby, repealed.

Approved, April 28, 1904.

April 28, 1904.
[H. R. 5075.]

[Public, No. 242.]

CHAP. 1810.—An Act For the relief of small-holding settlers within the limits of the grant of land to the Atlantic and Pacific Railroad Company in the Territory of New Mexico.

New Mexico.
Atlantic and Pacific
Railroad Company,
etc., may relinquish,
etc., certain lands in.
Vol. 14, p. 294.
Lands occupied by
settlers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atlantic and Pacific Railroad Company, its successors in interest and its or their assigns, may, when requested by the Secretary of the Interior so to do, relinquish or deed, as may be proper, to the United States any section or sections of its or their lands in the Territory of New Mexico the title to which was derived by said railroad company through the Act of Congress of July twenty-seventh, eighteen hundred and sixty-six, in aid of the construction of said railroad, any portion of which section is and has been occupied by any settler or settlers as a home or homestead by themselves or their predecessors in interest for a period of not less than twenty-five years next before the passage of this Act, and shall then be entitled to select in lieu thereof, and to have patented other sections of vacant public land of equal quality in said Territory, as may be agreed upon with the Secretary of the Interior.

Vacant public lands
exchanged in lieu of.
Minimum occupa-
tion period.

Survey of holdings.

SEC. 2. That the Secretary of the Interior shall, as soon as may be after the passage of this Act, cause inquiry to be made of all lands so held by settlers, and shall cause the holdings of such settlers to be surveyed, and on receiving such relinquishments or deeds shall at once, without cost to the settlers, cause patents to issue to each such settler for his or her such holdings: *Provided*, That not to exceed one hundred and sixty acres shall be patented to any one person, and such recipient must possess the qualifications necessary to entitle him or her to enter such land under the homestead laws.

Patents to settlers.

Proviso.
Maximum acreage.

Remaining lands
subject to entry.

SEC. 3. That any fractions of any such sections of land remaining after the issuance of patents to the settlers as aforesaid shall be subject to entry by citizens the same as other public lands of the United States.

Approved, April 28, 1904.

April 28, 1904.
[H. R. 6493.]

[Public, No. 243.]

CHAP. 1811.—An Act To ratify and confirm Act Numbered Forty-seven of the legislative assembly of the Territory of Arizona.

Arizona.
Preamble.

Whereas the legislative assembly of the Territory of Arizona, for the purpose of authorizing the sale of Territorial bonds to the amount of eleven thousand dollars to provide for improvements at the Territorial agricultural experimental station of the University of Arizona, passed the following law, to wit:

“An act entitled ‘An act to provide for improvements and publications of the agricultural experimental station of the University of Arizona, and for holding farmers’ institutes throughout the Territory.’

“*Be it enacted by the legislative assembly of the Territory of Arizona.*

University of Ari-
zona.
Act of legislature
authorizing bond is-
sue in aid of agricul-
tural experimental
station, etc.

SECTION 1. For the purpose of providing for improvements and publications necessitated by the growth of the agricultural experimental station of the University of Arizona, and to provide for the establishment of farmers’ institutes throughout the Territory, a loan of eleven

thousand dollars is hereby authorized to be negotiated and made on the faith and credit of the Territory of Arizona, and to bear interest at such a rate as shall be fixed by the board of regents of the University of Arizona, not exceeding five per centum per annum.

Loan.

“SEC. 2. The treasurer of the Territory of Arizona is hereby authorized and directed to issue and deliver to the said board of regents of the University of Arizona, and said board of regents is hereby authorized to sell, not exceeding eleven thousand dollars of the bonds of this Territory, bearing interest at a rate not to exceed five per centum per annum, which interest shall be payable annually in gold coin of the United States, on the first Monday in January in each year, at the office of the Territorial treasurer. The principal of said bonds shall be and is expressly made payable in gold coin of the United States, within twenty years after the date of their issue, and shall be of such denomination as the said board of regents shall direct, and shall bear the date of their issue and shall be signed by the said treasurer of the Territory of Arizona and countersigned by the president of said board of regents in his official capacity, and shall have the seal of the said board of regents affixed thereto, and the faith of the Territory of Arizona is hereby pledged for the payment of said bonds and the interest accruing thereon as herein provided.

Issue and sale of bonds.

Interest.

Gold bonds.

Denomination.

“SEC. 3. Coupons for the interest accruing on said bonds shall be attached thereto severally so that they may be removed without injury or mutilation to the bond. Said coupons shall be consecutively numbered, and shall bear the number of the bond to which they are attached, and shall be signed by the Territorial treasurer.

Coupons.

“SEC. 4. The said bonds shall be prepared and signed by the Territorial treasurer, with said coupons attached thereto, and delivered to said board of regents of the University of Arizona, at any time hereafter and as soon as practicable after said treasurer shall have been requested by said board of regents so to do, taking receipt of said board therefor.

Delivery of bonds to board of regents.

Receipt.

“SEC. 5. The expense incurred by the Territorial treasurer in having said bonds prepared shall be paid out of the general fund of the Territory, from any money therein not otherwise appropriated, to be expended only upon warrants drawn by the Territorial auditor on certificate of the Territorial treasurer that the expense has been incurred and that the claim is just.

Expenses.

“SEC. 6. It shall be the duty of the Territorial treasurer to keep and transmit to his successor a permanent record of all bonds issued under the provisions of this act, and it shall be the duty of said board of regents of the University of Arizona also to keep a permanent record in the office of said board of all bonds sold, the name of the purchaser, and price received by said board under the provisions of this act, and transmit to the governor a certified copy of said record as soon as said bonds have been sold.

Record of bonds.

“SEC. 7. The board of regents of the Territory of Arizona is hereby authorized to demand of, and receive from, the treasurer the bonds authorized by this act to be issued and sold, or such parts of the same as in the judgment of said board shall be necessary to carry out the purposes of this act, and after the same shall have been countersigned by the president of said board of regents, the said board of regents is hereby authorized to sell said bonds for the purpose in this act stated. Any money received by said board from the sale of bonds and not expended under the provisions of this act shall be paid into the Territorial treasury, and by the treasurer placed in the university funds by this act created.

Regents authorized to sell bonds.

Funds to be paid into Territorial treasury.

“SEC. 8. The proceeds derived from the sale of said bonds shall be applied and apportioned as follows:

Disposal of bonds.

“For issuing the publications of the agricultural experimental station of the University of Arizona, and for providing buildings and

Buildings, publications, etc.

equipments for the said agricultural experimental station, particularly the date orchard and the station farm connected therewith, the sum of eight thousand three hundred dollars.

Farmers' institutes,
etc.

"Second. To provide for farmers' institutes and short courses of instruction throughout the Territory, the sum of two thousand seven hundred dollars.

Notice of bond sale.

"SEC. 9. Before the sale of any of said bonds the board of regents shall cause notice of such sale to be published in four daily newspapers published in English, one in the city of New York, State of New York; one at the city of San Francisco, State of California; one at the Territorial capital, and one at the city of Tucson, in said Territory.

Contents of notice.

Such notices shall specify the amount of bonds to be sold, the rate of interest they shall bear, the place, day, and hour of such sale, and sealed proposals shall be received by said board of regents within one month from the expiration of such publications, and that none of said bonds shall be sold for less sum than their par value, and that at the

Restriction.

place, on the day and hour named in said notice, the board of regents shall open all sealed proposals received by it and shall award the purchase of said bonds to the highest bidder or bidders therefor: *Provided*, That such bid shall not be for a less sum than the par value of said bonds: *And provided further*, That said board of regents may reject any and all bids if they deem it to the advantage of the Territory: *And provided further*, That if none of said bids are accepted said board of regents shall again advertise said bonds for sale, and proceed as hereinbefore provided under fresh notice of sale.

Bids.

Provisos.

Minimum price.

Rejection of bids.

New sale.

"SEC. 10. For the payment of the interest on the bonds issued under this act, after such bonds shall have been issued, there shall be, and is hereby, levied annually, in addition to all taxes otherwise directed to be levied and collected, a tax of seventeen-hundredths of a cent on each one hundred dollars of the assessed value of all real and personal property in the Territory of Arizona, to be placed by the Territorial treasurer in a fund to be known as the 'university interest fund;' and commencing ten years thereafter, there shall be in a like manner levied and collected such an additional amount as shall pay one thousand dollars of the principal of the said bonds and any amount of interest accruing thereon and remaining unpaid by said interest fund, to the end, intent, and purpose that all of the principal and interest of all of said bonds shall be fully paid during the period of twenty years from the date of their issuance. The Territorial auditor shall certify the rate of tax computed by him to the several boards of supervisors throughout the Territory necessary to raise the required amount for the redemption of the bonds as above stated, and the boards of supervisors are hereby required and directed to enter such rate on the assessment rolls of their respective counties in the manner and with the same effect as is provided by law in relation to other Territorial and county taxes. Every tax levied under the provisions or authority of this act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in February in each year, and shall not be removed or satisfied until such tax shall have been paid. All moneys derived from taxes authorized by this section shall be paid into the Territorial treasury and shall be applied—

Additional tax to be
levied annually to pay
interest.

"First. To the payment of the interest on the bonds issued by the provisions of this act.

Taxes to pay principal.

"Second. To the payment of the principal of such bonds: *Provided*, That all moneys remaining in the Territorial treasury after the payment of the interest and principal in each year thereafter, as herein provided, after the issuance of any bonds under this act, shall be transferred by the Territorial treasurer to a fund which shall be known as the 'university fund,' and the Territorial treasurer is hereby authorized and directed to open a separate account with, and to keep moneys

Time limit.

Tax rate.

Liens.

Disposal of tax funds.

Payment of interest.

Payment of principal.

Proviso.

"University fund."

so transferred to, said fund and all other moneys which are paid into said fund separate, and apply the same only in payments of warrants drawn by the auditor in payment of the expenses of the maintenance of the agricultural experimental station of the University of Arizona.

“SEC. 11. Whenever, after the expiration of ten years from the issuance of any bonds under this act, there remains after the payment of the interest, as provided in this section, a surplus of one thousand dollars or more it shall be the duty of the Territorial treasurer to advertise for the space of one month in like manner as said board of regents of the university advertise for bids as set forth in section nine herein, which advertisement shall state the amount in the sinking fund and the number of bonds, numbering them in the order of their issuance, commencing at the lowest number then outstanding, which such fund is set apart to pay and discharge; and if such bonds so numbered in such advertisements shall not be presented for payment and cancellation at the expiration of such publications then such fund shall remain in the treasury to discharge such bonds whenever presented, but they shall draw no interest after the expiration of such publication. Before any of such bonds shall be paid they shall be presented to the Territorial auditor, who shall indorse on each bond the amount due thereon and shall write across the face of each bond the date of its surrender and the name of the person surrendering the same.

“SEC. 12. The Territorial treasurer shall keep a full and particular account of all his proceedings under this act and of the bonds redeemed and surrendered, and he shall transmit to the governor an abstract of all of his proceedings under this act with his annual report, to be by the governor laid before the legislature biennially; and all books and papers pertaining to the matter provided for in this act shall at all times be open to the inspection of any parties interested, or the governor, or a committee of either branch of the legislature, or a joint committee of both.

“SEC. 13. It shall be the duty of the Territorial treasurer to pay the interest on said bonds when the same falls due, out of the interest fund, if sufficient, and if said fund be not sufficient, then to pay the deficiency out of the general fund: *Provided*, That the Territorial auditor shall first draw his warrant on the Territorial treasurer, payable to the order of said treasurer, for the amount of interest money about to become due and payable, out of the general fund, which said interest warrant shall be drawn at least one month previous to the maturity of the interest.

“SEC. 14. This act shall take effect immediately, subject, however, to its approval and ratification by the Congress of the United States.

“E. S. IVES,
 “President of the Council.
 “THEODORE T. POWERS,
 “Speaker of the House.
 “ALEXANDER O. BRODIE,
 “Governor.”

“Approved March 10, 1903.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said Act Numbered Forty-seven of the legislative assembly of the Territory of Arizona hereinbefore set forth, and each and every part of it and all of it, be, and the same is hereby, approved, ratified, and confirmed.

SEC. 2. That this Act shall take effect and be in force from and after its passage.

Approved, April 28, 1904.

Proceedings in payment of bonds.

Advertisement.

Nonpresentation of bonds for payment.

Indorsement on bond.

Accounts.

Inspection.

Interest to be paid when due.

Proviso.
 Interest warrant.

Act ratified and approved.

Effect.