

- Fresh sub-
scriptions may
be opened.
- No stockholder
in arrears to vote
- Authority of
president and
directors.
By-laws.
- Business of
mining may be
carried on.
- Real estate.
- Bonds.
- Proviso.
- Lands may be
sold or leased.
- Stock how
transferred.
- This act may
be altered, &c.
- 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.

July 23, 1866.

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

- Certain lands
selected by Cali-
fornia confirmed
to that State.
- Certain selec-
tions not con-
firmed.
- State not to
receive more
land for school,
&c. purposes
- 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-

ceive 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 from 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 shall be allowed the same time to present and prove up his purchase and 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-

than she is entitled to.

Where selections are upon lands surveyed by authority of the United States register to be notified

Notice to be the date of State selection.

Commissioner of general land office to do what.

Where selections are upon lands surveyed only by State authority, and lands are sold, selections to have same effect as certain pre-emption rights.

If on survey by the United States the lines of the two surveys do not agree, selection to be changed.

Upon filing township plat, holder of State title allowed what time to present, &c. his claim.

Where township surveys have been made and plats approved, swamp and overflowed lands to be certified to State within one year.

Segregation maps, &c. of swamp and overflowed lands made by State, to be examined, &c.

If found to conform to United States surveys.

If found not to conform.

If State claims as swamp, &c. lands any not so represented in

map, character of land how to be determined.

Lists of lands selected and of swamp, &c. lands claimed by State, to be sent to general land office.

State may select for school purposes lands in lieu of certain sixteen and thirty-sixth sections. 1853, ch. 145. Vol. x. p. 244.

Surveyor-general to furnish State authorities with lists.

Purchasers of lands of Mexican grantees, the grants being subsequently rejected, &c. may buy same at minimum price, &c.

Limit of such right to purchase.

Lines of public surveys when not to run through permanent improvements.

Where claims to land by title from Spanish, &c. authorities, have been confirmed, and a survey and plat not requested within ten months, &c. lines of surveys to be extended

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 selection, 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 grantees 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 possession of the same as according to the lines of their original purchase, and where no valid adverse right or title (except of the United States) exists, such purchasers may purchase the same, after having such lands surveyed under existing laws, at the minimum price established by law, upon first making proof of the facts as required in this section, under regulations to be provided by the commissioner of the general land office, joint entries being admissible by coterminous proprietors to such an extent as will enable them to adjust their respective boundaries: *Provided*, That the provisions of this section shall not be applicable to the city and county of San Francisco: *Provided*, That the right to purchase herein given shall not extend to lands containing mines of gold, silver, copper, or cinnabar: *Provided*, That whenever it shall be made to appear by petition from the occupants of such land that injury to permanent improvements would result from running the lines of the public surveys through such permanent improvements, the commissioner of the general land office may recognize existing lines of subdivisions.

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 practicable 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 satisfaction 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 district courts of the United States for the district of California, approving or correcting the surveys of private land claims under Spanish or Mexican grants, rendered after the first day of July, one thousand eight hundred 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 circuit 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.*

July 24, 1866.

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 domain 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 such by act of Congress, and over, under, or across the navigable streams or waters of the United States: *Provided*, That such lines of telegraph shall be so constructed 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 subject to pre-emption through which its said lines of telegraph may be located 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 hereby 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, §§ 6, 7. Vol. xiii. p. 334.

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.

Telegraph companies may maintain and operate lines of telegraph over public domain, along post, &c. roads, 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.

Lands may be pre-empted for stations, not exceeding, &c. and not within, &c.

Telegrams for the government to have priority of transmission. Rates to be annually fixed.

Rights and privileges not to be transferred.