

CHAP. CCLXIX. — *An Act to provide for and to regulate the Weighing of Exports, and for other Purposes.* July 26, 1866.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That upon all weighable articles hereafter exported, upon which a drawback or return duty is allowed, and upon all weighable goods withdrawn from bonded warehouses for export, there shall be levied and collected, by the collectors of the several ports, three cents per hundred pounds, to be determined by the returns of the weighers.

Upon certain weighable articles exported, three cents per hundred pounds to be collected.

SEC. 2. *And be it further enacted,* That the office of measurer at the port of New York is hereby abolished, and the duties heretofore performed by them shall be performed by the weighers.

Office of measurer at New York abolished.

SEC. 3. *And be it further enacted,* That the weighers at the port of New York shall receive, from and after the passage of this act, an annual salary of twenty-five hundred dollars: *Provided,* That the increase of compensation, over and above the present salary of said officers, shall not exceed, in any fiscal year, the amount of fees earned by them.

Duties to be performed by weighers. Salary of weighers at New York. Proviso.

APPROVED, July 26, 1866.

CHAP. CCLXX. — *An Act granting Lands to the State of Kansas to aid in the Construction of a southern Branch of the Union Pacific Railway and Telegraph, from Fort Riley, Kansas, to Fort Smith, Arkansas.* July 26, 1866.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purpose of aiding the Union Pacific Railroad Company, southern branch, the same being a corporation organized under the laws of the State of Kansas to construct and operate a railroad from Fort Riley, Kansas, or near said military reservation, thence down the valley of the Neosho River to the southern line of the State of Kansas, with a view to an extension of the same through a portion of the Indian Territory to Fort Smith, Arkansas, there is hereby granted to the State of Kansas, for the use and benefit of said railroad company every alternate section of land or parts thereof designated by odd numbers, to the extent of five alternate sections per mile on each side of said road and not exceeding in all ten sections per mile; but in case it shall appear that the United States have, when the line of said road is definitely located, sold any section, or any part thereof, granted as aforesaid, or that the right of pre-emption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected for the purposes aforesaid, from the public lands of the United States nearest to the sections above specified, so much land as shall be equal to the amount of such lands as the United States have sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or pre-emption has attached as aforesaid, which lands, thus indicated by the direction of the Secretary of the Interior, shall be reserved and held for the State of Kansas for the use of said company by the said Secretary for the purpose of the construction and operation of said railroad, as provided by this act: *Provided,* That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or other purpose whatever, be, and the same are hereby, reserved and excepted from the operation of this act, except so far as it may be found necessary to locate the route of said road through such reserved lands, in which case the right of way, two hundred feet in width, is hereby granted, subject to the approval of the President of the United States: *And provided, further,* That said lands hereby granted shall not be selected beyond twenty miles from the line of said road.

Public lands granted to Kansas to aid in construction of a railroad and telegraph from Fort Riley to Fort Smith.

If any of granted lands have been sold or reserved, &c. other lands may be selected in lieu thereof.

Lands heretofore reserved excepted from this act.

Right of way granted.

Lands not to be selected beyond twenty miles from line of road.

Remaining lands, &c. not to be sold for less than double the minimum price. Settlers under pre-emption laws;

under the homestead act.

Conditions of this grant.

Granted lands to inure to benefit of company as follows.

If road is not completed in ten years, unpatented lands to revert.

When maps of route of road are filed, lands to be withdrawn from market.

United States mail to be carried.

Right of way through public lands granted for the railroad.

Materials for construction. Extent of grant of right of way. Grounds for stations, &c.

Acceptance of terms, &c. of this act to be in writing and within one year.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which by the aforesaid grant shall remain in the United States, within ten miles on each side of said road, shall not be sold for less than double the minimum price of public lands when sold: *Provided*, That actual bona fide 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: *Provided, also*, That settlers under provisions of the homestead act, who make their settlement after the passage of this act and comply with the terms and requirements of said act, shall be entitled, within the said limits of ten miles, to patents for an amount not exceeding eighty acres each.

SEC. 3. *And be it further enacted*, That the grant of lands hereby made is upon condition that said company, after the construction of its road, shall keep it in repair and use, and shall at all times transport troops, munitions of war, supplies, and public stores upon its road for the government of the United States, free from all cost or charge therefor to the government, when required to do so by any department thereof. And the lands hereby granted shall inure to the benefit of said company, as follows: When the governor of the State of Kansas shall certify that any section of ten consecutive miles of said road is completed in a good, substantial, and workmanlike manner as a first-class railroad, then the said Secretary of the Interior shall issue to the said company patents for so many sections of the land herein granted within the limits above named, and coterminous with said completed section hereinbefore granted; and when certificates of the governor aforesaid shall be presented to said Secretary of the completion, as aforesaid, of each successive section of ten consecutive miles of said road, the said Secretary shall in like manner issue to said company patents for the land for each of said sections of road as in the first instance, until said road shall be completed: *Provided*, That if said road is not completed within ten years from the date of the acceptance of the grant hereinbefore made, the lands remaining unpatented shall revert to the United States.

SEC. 4. *And be it further enacted*, That as soon as said company shall file with the Secretary of the Interior maps of its line, designating the route thereof, it shall be the duty of said Secretary to withdraw from the market the lands granted by this act, in such manner as may be best calculated to effect the purposes of this act and subserve the public interest.

SEC. 5. *And be it further enacted*, That the United States mail shall be transported on said road, and under the direction of the Post Office Department, at such price as Congress may by law provide: *Provided*, That until such price is fixed by law the Postmaster-General shall have power to fix the compensation.

SEC. 6. *And be it further enacted*, That the right of way through the public lands be, and the same is hereby, granted to said Pacific Railroad Company, southern branch, its successors and assigns, for the construction of a railroad as proposed: and the right is hereby given to said corporation to take from the public lands adjacent to the line of said road material for the construction thereof. Said way is granted to said railroad 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, work-shops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations.

SEC. 7. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said Pacific Railroad Company southern branch, 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

one year after the passage of this act, and not afterwards, and shall be deposited with the Secretary of the Interior.

SEC. 8. *And be it further enacted*, That said Pacific Railroad Company, southern branch, its successors and assigns, is hereby authorized and empowered to extend and construct its railroad from the southern boundary of Kansas, south through the Indian Territory, with the consent of the Indians, and not otherwise, along the valley of Grand and Arkansas rivers, to Fort Smith, in the State of Arkansas; and the right of way through said Indian Territory is hereby granted to said company, its successors and assigns, to the extent of one hundred feet on each side of said road or roads, and all necessary grounds for stations, buildings, workshops, machine-shops, switches, side-tracks, turn-tables, and water-stations.

Pacific Railroad Company, southern branch, may extend its road, through Indian Territory, by consent, to Fort Smith.

Right of way through Indian Territory, and ground for stations, &c.

SEC. 9. *And be it further enacted*, That the same grant[s] of lands through said Indian Territory are hereby made as provided in the first section of this act, whenever the Indian title shall be extinguished by treaty or otherwise, not to exceed the ratio per mile granted in the first section of this act: *Provided*, That said lands become a part of the public lands of the United States.

When Indian title is extinguished in Indian Territory, and lands become public lands, grant thereof to company.

SEC. 10. *And be it further enacted*, That said Pacific Railroad Company, southern branch, its successors and assigns, shall have the right to negotiate with, and acquire title to land for railroad purposes from, any Indian nation or tribe authorized by the United States to dispose of lands, and from any other nation or tribe of Indians through whose lands said railroad may pass, subject to the approval of the United States, or from any company or parties incorporated or authorized for such purposes, by such nation or tribe, or which such parties may have acquired under the laws of the United States.

Company may acquire title from certain Indians.

SEC. 11. *And be it further enacted*, That any railroad company chartered under any law of the United States, or of any State which may have been heretofore or shall hereafter be organized by any act of the Congress of the United States, may connect, unite, and consolidate with this railroad company, after the same shall be located to the valley of the Neosho or Grand River, upon just, fair, and equitable terms, to be agreed upon between the parties, as shall not be against the public interest, or the interest of the United States.

Any railroad company may unite with this company, after, &c.

APPROVED, July 26, 1866.

CHAP. CCLXXVII. — *An Act to incorporate the Washington Temperance Society of the City of Washington, District of Columbia.*

July 27, 1866.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That John S. Hollingshead, William G. Flood, Christopher Cammack, senior, Asbury Lloyd, John B. Wheeler, Zach. B. Brooke, Ros. A. Fish, George W. Maher, Wm. P. Drew, Wm. H. Nally, Thomas B. Marche, Oscar Alexander, William Dixon, and others who now are or may hereafter become members of said society, and their successors, are hereby declared to be one community and body corporate by the name, style, and title of the Washington Temperance Society of Washington City and District of Columbia; and by that name they shall be, and are hereby, made able and capable in law to have, receive, and retain to them and their successors property real and personal, also devises and bequests of any person or persons, bodies corporate or politic, capable of making the same, and the same to dispose of or transfer at their pleasure in such manner as they may think proper: *Provided always*, That the said corporation shall not at any time hold or possess property, real, personal, or mixed, exceeding in value the sum of twenty-five thousand dollars, other than that which may be invested in a hall to be erected for the purposes of the society.

Washington Temperance Society incorporated.

Name.

Corporate powers.

Limit to amount of property.

SEC. 2. *And be it further enacted*, That the said corporation and their

Corporate powers.