

July 25, 1866.

CHAP. CCXL. — *An Act legalizing Marriages and for other Purposes in the District of Columbia.*

Certain colored persons in the District of Columbia, living together as man and wife, &c. to be deemed husband and wife.

Their children legitimate.

Children of those who have ceased to cohabit.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all colored persons in the District of Columbia, who, previous to their actual emancipation, had undertaken and agreed to occupy the relation to each other of husband and wife, and are cohabiting together as such or in any way recognizing the relation as still existing at the time of the passage of this act, whether the rites of marriage have been celebrated between them or not, shall be deemed husband and wife, and be entitled to all the rights and privileges, and subject to the duties and obligations of that relation in like manner as if they had been duly married according to law, and all their children shall be deemed legitimate, whether born before or after the passage of this act. And when the parties have ceased to cohabit before the passage of this act, in consequence of the death of the woman, or from any other cause, all the children of the woman recognized by the man to be his shall be deemed legitimate.

APPROVED, July 25, 1866.

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CHAP. CCXLI. — *An Act granting Lands to the State of Kansas to aid in the Construction of the Kansas and Neosho Valley Railroad and its Extension to Red River.*

Public lands granted to Kansas, to aid the construction of the Kansas and Neosho Valley Railroad Company.

Extent of grant, and selection of lands.

If any of the land granted has been before sold, or reserved, &c., what may be taken in lieu thereof.

Lands before reserved excepted from operation of this act.

Right of way through such lands.

No land to be selected beyond twenty miles.

*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 Kansas and Neosho Valley Railroad Company, the same being a corporation organized under the laws of the State of Kansas, to construct and operate a railroad from the eastern terminus of the Union Pacific Railroad, eastern division, at the line between Kansas and Missouri, at or near the mouth of the Kansas River, on the south side thereof, southwardly, through the eastern tier of counties in Kansas, with a view of its extension, so as to effect a junction at Red River with a railroad now being constructed from Galveston to Red River at or near Preston, in Texas, 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 ten sections per mile on each side of said road, to be selected within twenty miles [of] the line of said road; 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 none of the lands hereby granted shall be selected beyond twenty miles from the said road.

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, nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder, at or above the minimum price aforesaid: *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: *And provided also,* That settlers under the 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.

Sections remaining to the United States, &c. not to be sold for less than double minimum price; to be offered at public auction. Settlers under pre-emption laws may purchase, &c. Settlers under the homestead act may have not over 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 that [it will] at all times be in readiness to transport troops, munitions of war, supplies, and public stores upon its road for the government, when required to do so by any department thereof, at the cost, charge, and expense of said company. And the lands hereby granted, held, and reserved as aforesaid 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 within the limits above named as are 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: *And provided further,* That the said lands shall not, in any manner, be disposed of or incumbered by said company or its assigns, except as the same are patented under the provisions of this act.

This grant is made upon condition, &c. Transportation of troops, &c. to be free to the government. When and how the lands inure to the benefit of the company.

If road is not completed within ten years, the lands unpatented to revert to the United States. The lands not to be disposed of or incumbered by the company, except as patented.

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 the 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.

Lands to be withdrawn from market as soon as maps are filed

SEC. 5. *And be it further enacted,* That the United States mail shall be transported on said road and its extension, 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.

Mails to be transported at price fixed by Congress. Proviso.

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 Kansas and Neosho Valley Railroad Company, 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, workshops, depots, machine-shops, switches, side-tracks, turn-tables, and water-stations.

Right of way granted through public lands. Material for construction from adjacent land. Extent of grant. Ground for station buildings, &c.

Acceptance of this grant by the railroad company to be in writing;

to be made within a year.

Said railroad company may extend its road to Red River.

Right of way granted through the Indian Territory where such right is reserved to the United States;

where such right is not reserved.

Grant of lands through the Indian Territory made to the road, when the Indian title is extinguished.

The company may negotiate with Indians and others for lands.

Certain other railroads may unite with this road, after it is located to the valley of the Neosho River.

Tariff for freight and passengers.

If the Union Pacific Railroad Company, &c. completes its road to certain point before the Kansas, &c. Co. completes its road to that point, it may construct the road thence to

SEC. 7. *And be it further enacted*, That the acceptance of the terms, conditions, and impositions of this act by the said Kansas and Neosho Valley 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 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 Kansas and Neosho Valley Railroad Company, 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, to Red River, at or near Preston, in the State of Texas, so as to connect with the railway now being constructed from Galveston to a point at or near Preston, in said State; and the right of way through the Indian Territory, wherever such right is now reserved or may hereafter be reserved to the United States by treaty with the Indian tribes, is hereby granted to said company, to the same extent as granted by the sixth section of this act through the public lands; and in all cases where the right of way, as aforesaid, through the Indian lands, shall not be reserved to the government, the said company shall, before constructing its road, procure the consent of the tribe or tribes interested, which consent, with all its terms and conditions, shall be previously approved and indorsed by the President and filed with the Secretary of the Interior.

SEC. 9. *And be it further enacted*, That the same grants 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.

SEC. 10. *And be it further enacted*, That said Kansas and Neosho Valley Railroad Company, its successors and assigns, shall have the right to negotiate with, and acquire from any Indian nation or tribe, authorized by the United States to dispose of lands for railroad purposes, and from any other nation or tribe of Indians through whose lands said railroad may pass, subject to the approval of the President 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.

SEC. 11. *And be it further enacted*, That any railroad company chartered under any law of the United States, or of the State of Kansas, which may have been heretofore or shall hereafter be recognized and subsidized 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 River, upon just, fair, and equitable terms, to be agreed upon between the parties, and shall not be against the public interest or the interest of the United States; nor shall any road authorized to connect as aforesaid charge the road so connecting a greater tariff per mile for freight or passengers than is charged for the same per mile by its own road: *And provided further*, That should the Leavenworth, Lawrence, and Fort Gibson Railroad Company, or the Union Pacific Railroad Company, southern branch, construct and complete its road to that point on the southern boundary of the State of Kansas where the line of said Kansas and Neosho Valley Railroad shall cross the same, before the said Kansas and Neosho Valley Railroad Company shall have constructed and completed its said road to said point, then and in that event the company so first reaching in completion the said point on the southern boundary of the State of Kansas shall be authorized, upon obtaining the written approval of the President of the United States, to construct and operate its line of railroad from said point to a point at

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, nevertheless, that said railroad company shall have commenced in good faith the construction thereof before the said Kansas and Neosho Valley Railroad Company shall have completed its said railroad to said point: *And provided further*, That said other railroad company, so having commenced said work in good faith, shall continue to prosecute the same with sufficient energy to insure the completion of the same within a reasonable 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 construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the government the use of the same for postal, military, and other purposes," approved July first, eighteen hundred and sixty-two.

APPROVED, July 25, 1866.

Preston, Texas, with grants of land, &c.

Work to be prosecuted with energy.

Right of way through private property.

1862, ch. 120, § 3.  
Vol. xii. p. 492.

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.*

July 25, 1866.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the "California and Oregon Railroad Company," organized under an act of the State of California, 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 under 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 between 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 Sacramento 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 southerly 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 arrived 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.

The California and Oregon R. R. Co., and an Oregon company, may locate and construct a railroad and telegraph line between Portland, Oregon, and the Central Pacific Railroad in California.

What part the C. & O. Company to build.

The company first completing its part, may continue its road with consent of State.

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 aiding 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

Grant of public lands, not mineral, to said companies, to aid in the construction of road &c.