

TITLE LXIV.

RAILWAYS.

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SEC. 5256. The books, records, correspondence, and all other documents of the Union Pacific Railroad Company, shall at all times be open to inspection by the Secretary of the Treasury, or such persons as he may delegate for that purpose. The laws of the United States providing for proceedings in bankruptcy shall not be held to apply to said corporation. No dividend shall hereafter be made by said company but from the actual net earnings thereof; and no new stock shall be issued or mortgages or pledges made on the property or future earnings of the company without leave of Congress, except for the purpose of funding and securing debt now existing, or the renewals thereof. No director or officer of said road shall hereafter be interested, directly or indirectly, in any contract therewith except for his lawful compensation as such officer. Any director or officer who shall pay or declare, or aid in paying or declaring, any dividend, or creating any mortgage or pledge prohibited by this act, shall be punished by imprisonment not exceeding two years, and by fine not exceeding five thousand dollars.

SEC. 5257. Any railroad company now or hereafter incorporated under any law of the United States, or of any State, which has been or may be organized by an act of Congress, may connect its road with the Union Pacific Railroad, or any of its branches.

SEC. 5258. Every railroad company in the United States, whose road is operated by steam, its successors and assigns, is hereby authorized to carry upon and over its road, boats, bridges, and ferries, all passengers, troops, Government supplies, mails, freight, and property on their way from any State to another State, and to receive compensation therefor, and to connect with roads of other States so as to form continuous lines for the transportation of the same to the place of destination. But this section shall not affect any stipulation between the Government of the United States and any railroad company for transportation or fares without compensation, nor impair or change the conditions imposed by the terms of any act granting lands to any such company to aid in the construction of its road, nor shall it be construed to authorize any railroad company to build any new road or connection with any other road without authority from the State in which such railroad or connection may be proposed. And Congress may at any time alter, amend, or repeal this section.

SEC. 5259. Whenever, in any grant of land or other subsidies, made or hereafter to be made, to railroads or other corporations, the United States has reserved the right, or shall reserve it, to appoint directors, engineers, commissioners, or other agents to examine the roads, or act in conjunction with other officers of such company or companies, all the costs, charges, and pay of such directors, engineers, commissioners, or agents shall be paid by the respective companies. Such directors, engineers, commissioners, or agents shall be paid for such services the sum of ten dollars per day, for each and every day actually and necessarily employed, and ten cents per mile for each and every mile actually and necessarily traveled, in discharging the duties required of them, which per diem and mileage shall be in full compensation for such services. In case any company shall refuse or neglect to make such payments, no more patents for lands or other subsidies shall be issued to such company until these requirements are complied with.

Union Pacific Railroad.

3 Mar., 1873, c. 226, s. 4, v. 17, p. 509.

Union Pacific R. Co. v. Hallett, 91 U. S., 343; U. S. v. Union Pacific R. Co., 11 Blatch., 385.

Connection of other roads.

1 July, 1862, c. 120, s. 15, v. 12, p. 331, v. 18, p. 112.

Inter-state communication.

15 June, 1866, c. 124, ss. 1, 2, v. 14, p. 66.

Railroad Company v. Richmond, 19 Wall., 584.

Compensation of directors, &c., appointed by the United States.

27 July, 1866, c. 278, s. 21, v. 14, p. 299.

Secretary of Treasury to withhold payments to certain railroads.

3 Mar., 1873, c. 226, s. 2, v. 17, p. 508.

22 June, 1874, c. 414, v. 18, p. 200.

Companies may sue in Court of Claims.

3 Mar., 1873, c. 226, s. 2, v. 17, p. 508.

Circuit court to issue mandamus, &c.

Ibid., s. 4, p. 509.

Union Pacific R. R. Co. v. Hall et al., 91 U. S., 343; U. S. v. Union Pacific R. R. Co., 2 Dill., 527; Bauman v. Union Pacific R. R., 3 Dill., 367; Hall v. Union Pacific R. R., 3 Dill., 515; U. S. v. Union Pacific R. R., 3 Dill., 524.

SEC. 5260. The Secretary of the Treasury is directed to withhold all payments to any railroad company and its assigns, on account of freights or transportation over their respective roads of any kind, to the amount of payments made by the United States for interest upon bonds of the United States issued to any such company, and which shall not have been re-imbursed, together with the five per centum of net earnings due and unapplied, as provided by law.

SEC. 5261. Any such company may bring suit in the Court of Claims to recover the price of such freight and transportation, and in such suit the right of such company to recover the same upon the law and the facts of the case shall be determined, and also the rights of the United States upon the merits of all the points presented by it in answer thereto by them; and either party to such suit may appeal to the Supreme Court; and both said courts shall give such cause or causes precedence of all other business.

SEC. 5262. The proper circuit court of the United States shall have jurisdiction to hear and determine all cases of mandamus to compel said Union Pacific Railroad Company to operate its road as required by law.