

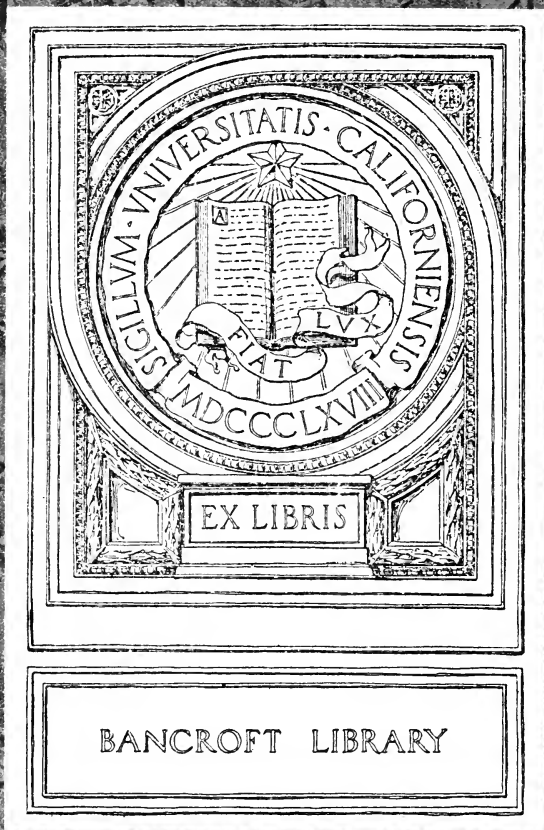
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UNION PACIFIC

RAILWAY COMPANY,

(SOUTHERN BRANCH.)

EMBRACING CHARTER OF COMPANY, CONGRES-
SIONAL LAND GRANT, KANSAS LEGISLA-
TIVE LAND GRANT, &c., &c., &c.



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1868.

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CERTIFICATE OF INCORPORATION

OF THE

UNION PACIFIC RAILWAY, SOUTHERN BRANCH.

WE, whose names are hereunto subscribed, viz.: Robert McBratney, James R. McClune and S. M. Strickler, of Davis County; S. S. Huffaker, M. Coun, G. M. Sinnock, R. B. Lockwood, of Morris County; E. Goddard, R. H. Abraham, P. B. Maxon, J. H. Watson, G. R. Harper, Peter Harvey, M. M. Baker, of Lyon County; John S. Cox, H. Kelley, F. W. Potter, S. S. Prouty, J. B. Scott, A. C. Coffin, of Coffey County; N. S. Goss, Isaac W. Dow and James Crane, Woodson County; do hereby associate ourselves together as a Railroad Company under the Act of the Legislature of the State of Kansas, entitled, "An Act to provide for the Incorporation of Railroad Companies," approved February the 13th, A.D. 1865, to be known as the *Union Pacific Railway Company, Southern Branch*.

The object of this Association shall be the construction of a railway, commencing at or near Fort Riley, or the junction of the Republican and Smoky Hill forks of the Kansas River, and on the line of the Union Pacific Railway E. D., running thence, *via* Clarke's Creek and the Neosho River, to a point at or near where the southern boundary line of the State of Kansas crosses the said Neosho River.

The ultimate object of this Association being to secure the construction of a continuous line of railway from the points above named, *via* the Arkansas and Red Rivers, to the City of New Orleans in the State of Louisiana.

The Capital Stock of this Association shall be One Million of Dollars, divided into shares of One Hundred Dollars each.

In testimony whereof we hereunto subscribe our names :

R. McBRATNEY,
 J. R. McCUNE,
 S. M. STRICKLER,
 S. S. HUFFAKER,
 M. COUN,
 G. M. SINNOCK,
 R. B. LOCKWOOD,
 E. GODDARD,
 R. H. ABRAHAM,
 P. B. MAXON,
 J. H. WATSON,
 G. R. HARPER,

PETER HARVEY,
 M. M. BAKER,
 JOHN S. COX,
 H. KELLY,
 F. W. POTTER,
 S. S. PROUTY,
 A. V. COFFIN,
 J. B. SCOTT,
 N. S. GOSS,
 ISAAC W. DOW,
 JAMES CRANE.

STATE OF KANSAS, }
 COFFEY COUNTY, } ss.:

Before me, a Notary Public in and for the County and State aforesaid, personally appeared A. V. Coffin, J. B. Scott and H. Kelly, three of the subscribers to the foregoing statement of Association, to me personally known, who, being sworn in due form of law, on oath say that the foregoing is a true statement of the Association entered into by the parties whose names are thereto subscribed, and for the purposes therein set forth.

In testimony whereof I have hereunto subscribed my name and official seal, this 20th day of September, A.D. 1865.



JOHN S. COX,
Notary Public,
 Coffey County, Kan.

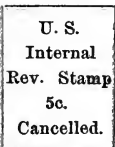
STATE OF KANSAS,
EXECUTIVE OFFICE,
OFFICE OF SECRETARY OF STATE, }
TOPEKA, Sept. 25th, 1865.

I, R. A. Barker, Secretary of State, do hereby certify that the foregoing is a true and correct copy of the original on file in my office.

In testimony whereof I have hereunto subscribed my name, and fixed the official seal of my office, the day and year written aforesaid.

SEAL.

R. A. BARKER,
Secretary of State.



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.

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 alternate 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.

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. *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.

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 herebefore 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, workshops, 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, turntables and water stations.

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 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 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 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.

Approved July 26, 1866.

DEPARTMENT OF THE INTERIOR, }
 WASHINGTON, D. C., January 8th, 1868. }

SIR: Referring to my decision of the 8th November last, as to the right of the State of Kansas to certain lands for railroad purposes, ceded to the United States by the First Article of the Treaty of September 29, 1865, with the Osage Indians, I now transmit a map showing the definite location of the Union Pacific Railway, Southern Branch, through said lands to the southern line of the State of Kansas.

I also enclose a certified copy of a resolution of the Board of Directors of said Company, accepting "the terms, conditions and impositions" of the grant made to the State of Kansas for said road by the Act approved July 26, 1866. This acceptance was filed within the time prescribed by law.

You will instruct the local land officers to withhold, on account of said railroad, the lands falling to the grant situate within the ceded country. In this connection I would call your attention to the second section of said Act of 1866, increasing the price of those sections remaining to the United States within the grant, to the double minimum.

Very respectfully,

Your obedient servant,

[Signed,]

O. H. BROWNING,

Secretary.

Hon. JOSEPH S. WILSON,

Commissioner of the General Land Office.

AN ACT incorporating the Atchison and Topeka Railroad Company.

BE it enacted by the Governor and Legislative Assembly of the Territory of Kansas :

SECTION 1. That S. C. Pomeroy, C. K. Holliday, Luther C. Challiss, Peter T. Abell, Milton C. Dickey, Asaph Allen, Samuel Dickson, Wilson L. Gordon, Geo. S. Hillyer, Lorenza D. Bird, Jeremiah Murphy, Geo. H. Fairchild, and F. L. Crane, with such other persons as may associate with them for that purpose, are hereby incorporated a body politic and corporate, by the name of the "Atchison and Topeka Railroad Company," and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against, in law and equity, in all Courts and places; may make and use a common seal, and alter or renew the same; capable of contracting and being contracted with, and are hereby invested with all powers, privileges, immunities, and fran-

chises, and of acquiring, by purchase, or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this Act.

SEC. 2. The said Company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain, and operate a railroad, with one or more tracks, from or near Atchison, on the Missouri River, in Kansas Territory, to the town of Topeka, in Kansas Territory, and to such point on the southern or western boundary of the said Territory, in the direction of Santa Fe, in the Territory of New Mexico, as may be most convenient and suitable for the construction of such railroad; and, also, to construct a branch of said railroad to any point on the southern boundary of said Territory of Kansas, in the direction of the Gulf of Mexico.

SEC. 3. The said Company are hereby authorized, and shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land, not exceeding one hundred feet in width, through the entire length of said road, upon such route as may be determined; and, for the purposes of depots, side tracks, cuttings and embankments, for building engine houses and shops, or wood and water stations, may take more land, earth, or material, as may be necessary for the construction or completion, preserving, or maintaining, said road.

SEC. 4. All such lands, materials, and privileges, belonging to this Territory or State, hereafter, are hereby granted to such railroad, for the purpose named in the previous section; and, may construct such road on or across other railroads, common roads, rivers, or streams, which it may

intersect, in sufficient manner not to materially impair its usefulness.

SEC. 5. The capital stock of said corporation shall be one million and five hundred thousand dollars, which may be increased, from time to time, to any sum not exceeding the amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, issued and transferred as may be ordered by the Directors or laws of said Company.

SEC. 6. All the corporate powers of said Company shall be vested in and exercised by a Board of Directors, and such officers and agents as they may appoint. The Board of Directors shall consist of thirteen persons, stockholders, three of whom, at least shall be residents of Kansas, who shall be chosen annually, by the stockholders; each share having one vote by person or proxy, and continue in office until their successors are elected and qualified; vacancies in the Board may be filled by a vote of two-thirds of the remaining Directors.

SEC. 7. The President and Directors, for the time being, are hereby empowered, or their officers or agents, to execute all the power herein granted for the purpose of surveying, locating, constructing and operating said railroad and branches, and for transportation of persons, goods and merchandise, and authority of contract and management of the affairs, as may be necessary to carry into effect the intent of this Act.

SEC. 8. The said Company shall have the power to make, ordain and establish such by-laws, rules and regulations as may be deemed expedient for the objects and interests of the Company; *Provided* they be not inconsistent with the

laws of the United States, or of this Territory. They shall have power to establish such rates for transportation, and collect the same, and matters and things respecting the use of said road, the transportation of persons or property, as may be necessary.

SEC. 9. It may be lawful for said Railroad Company, their agents or engineers, for the purpose of exploring, surveying or locating said road, to enter upon any lands, doing no unnecessary damage, without the consent of the owner, and may acquire by release, donation, or otherwise, any lands; and may hold the same, or convey to others, or use the same in any manner deemed for the interests of said Company.

SEC. 10. If said Company cannot obtain the right of way by purchase or otherwise, or if the owners refuse to agree upon terms, or where the owner is unknown, non-resident, idiot or under age, either party may make application to the district where the lands are situated, upon notice posted ten days in some public place, asking the appointment of Commissioners to appraise the damage to lands required for the purpose of the road.

SEC. 11. Upon such application being made to such Judge, he shall appoint three disinterested persons to act as Commissioners for the appraisal of all such damages, taking into consideration the advantages as well as any injury to the parties interested in such lands; said Commissioners shall, by public notice, appoint a time and place, and may adjourn, if necessary, for hearing of parties, and proceed to examine the lands, ascertain and determine the damage, if any, and, under oath, impartially and justly to appraise the lands necessary for the use of said Company, and faithfully perform the duty to the best of their judgment and ability.

They, or a majority of them, shall make up and sign the award to the parties, embracing a description of the lands, and amount of damages to each, and make a return of their doings to the Judge of the District Court. The Commissioners making such appraisal shall be entitled to pay for their services (at the rate) of three dollars per day and ordinary travelling expenses, which shall be paid by said Company.

SEC. 12. If either party feel aggrieved by such appraisal or award, he may appeal within twenty days after such award is made known, by giving notice to that effect to the opposite party; otherwise both parties shall be bound by the award, and the amount shall be paid, upon application of the persons entitled to receive the same. In case of the appeal, a bond shall be filed for the costs in Court, to be paid by the party who shall be entitled to pay the same, as determined by the Court aforesaid.

SEC. 13. In case of appeal or disagreement in regard to the damages, the Railroad Company may occupy, for the purpose of the construction of the road, by giving satisfactory security to the Judge of said Court for the ultimate payment of the damages so determined.

SEC. 14. If any person shall carelessly, wilfully, or maliciously hinder, delay or obstruct the workmen, or the passage of trains, or shall place any obstruction on the track, or in any manner injure or destroy any tools, cars, or other property of said railroad, or pertaining to it, or aid or abet any persons in the commission of such trespass, all such persons shall forfeit and pay said Company, agents or servants treble the damages, as shall be proven by any Court, and shall be liable to indictment and imprisonment,

for a term not exceeding five years, in the discretion of the Court who shall try the same.

SEC. 15. Said corporation shall, within reasonable time after said road or branches are definitely located, cause a map and profile to be made of the route of said road, and file the same in the office of the Secretary of the Territory.

SEC. 16. When fifty thousand dollars shall have been subscribed to the capital stock, and ten per centum actually paid to the grantees herein named, and a certificate from a majority of them, duly authenticated, filed in the office of the Secretary of this Territory, they are authorized to organize the Company and open books for further subscriptions, requiring payments or instalments from time to time; and, in case of refusal or neglect on the part of stockholders to make payment as required, the shares of such delinquents may, after thirty days' public notice, be sold at auction, and the surplus, if any, deducting payments and interest, shall be paid to such stockholder.

SEC. 17. When the citizens of any county or city of this Territory are desirous of subscribing to the stock of said Company, the citizens of such city or county are authorized to purchase, subscribe, or hold shares, not exceeding one hundred thousand dollars in amount, as shall be determined by the County Court or Common Council making such subscription, in all respects as stock owned by individuals; and such Railroad Company may dispose of bonds, issued for such stock by said county or council, upon such terms as may be necessary.

SEC. 18. Subscriptions to the stock of said Company may be made in land, in the same manner as in cash, and said Company are hereby authorized to hold, purchase and convey the same, as they may deem for their interest.

SEC. 19. The Company are hereby authorized to issue bonds upon their road, or hold and sell the same, in such amounts, upon such terms, above or below par, and at such rates of interest as may be determined, which shall be binding upon the parties interested; *Provided*, however, that said bonds shall not be issued for a less sum than five hundred dollars.

SEC. 20. This Company shall have power to make such contracts and arrangements with other railroads which connect with or intersect the same, as may be mutually agreed upon by the parties, for leasing or running their roads, or any part thereof, in connection with roads in other States, and shall be empowered to consolidate their property and stock with each other; such consolidation to take place whenever such companies shall respectively agree upon the terms and conditions; and shall have all the powers, privileges and liabilities that they may hold by their separate charters, by filing a copy of such articles of consolidation in the office of the Secretary of this Territory.

SEC. 21. This Act to take effect and be in force from and after its passage.

Approved, February 11, 1859.

CHAPTER XCVIII.

AN ACT for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled :

That there be, and is hereby, granted to the State of Kansas, for the purpose of aiding in the construction : First,

of a railroad and telegraph from the City of Leavenworth, by the way of the Town of Lawrence, and *via* the Ohio City crossing of the Osage River, to the southern line of the State, in the direction of Galveston Bay, in Texas, with a branch from Lawrence, by the valley of the Wakarusa River, to the point on the Atchison, Topeka and Santa Fe Railroad where said road intersects the Neosho River. Second, of a railroad from the City of Atchison, *via* Topeka, the capital of said State, to the western line of the State, in the direction of Fort Union and Santa Fe, New Mexico, with a branch from where this last-named road crosses the Neosho, down said Neosho valley to the point where the said first-named road enters the said Neosho valley— every alternate section of land, designated by odd numbers, for ten sections in width on each side of said roads and each of its branches. But in case it shall appear that the United States have, when the lines or routes of said road and branches are definitely fixed, 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 purpose aforesaid, from the public lands of the United States nearest to tiers of sections above specified, so much land, in alternate sections or parts of sections, designated by odd numbers, as shall be equal to such lands as the United States have sold, reserved, or otherwise appropriated, or to which the rights of pre-emption or homestead settlements have attached as aforesaid; which lands, thus indicated by odd numbers and selected by direction of the Secretary of the Interior as aforesaid, shall be held by the State of Kansas for the use and purpose aforesaid; *Provided*, That the land to be so selected shall in no case be located further than twenty miles from the lines of said road and branches; *Provided*,

further, That the lands hereby granted for and on account of said roads and branches severally shall be exclusively applied in the construction of the same, and for no other purpose whatever, and shall be disposed of only as the work progresses through the same, as in this Act hereinafter provided; *Provided, also*, That no part of the land granted by this Act shall be applied to aid in the construction of any railroad, or part thereof, for the construction of which any previous grant of land or bonds may have been made by Congress; *And Provided, further*, 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 for any other purpose whatsoever, be, and the same are hereby reserved to the United States from the operations of this Act, except so far as it may be found necessary to locate the routes of said road and branches through such reserved lands; in which case the right of way only shall be granted, subject to the approval of the President of the United States.

SEC. 2. And be it further enacted: That the sections and parts of sections of land which, by such grant, shall remain to the United States, within ten miles on each side of said road and branches, shall not be sold for less than double the minimum price of the 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 increased minimum price, as aforesaid; *Provided*, That actual and *bona fide* settlers, under the provisions of the pre-emption and homestead laws of the United States, may, after due proof of the settlement, improvement, cultivation and occupation, as now provided by law, purchase the same, at the increased minimum price aforesaid; *And Provided, also*, That settlers on any of said

reserved sections, under the provisions of the Homestead Law, who improve, occupy, and cultivate the same for a period of five years, and comply with the several conditions and requirements of said Act, shall be entitled to patents for an amount not exceeding eighty acres each, anything in this Act to the contrary notwithstanding.

SEC. 3. And be it further enacted: That the said lands hereby granted to said State shall be subject to the disposal of the Legislature thereof, for the purpose aforesaid, and no other; and the said railroads and branches shall be and remain public highways, for the use of the Government of the United States, free from all toll or other charge upon the transportation of any property or troops of the United States.

SEC. 4. And be it further enacted: That the lands hereby granted to said State shall be disposed of by said State only in manner following, that is to say: when the Governor of said State shall certify to the Secretary of the Interior that any twenty consecutive miles of either of said roads or branches is completed in a good, substantial and workman-like manner, as a first-class railroad, and the said Secretary shall be satisfied that said State has complied in good faith with this requirement, the said State may cause to be sold all the lands granted as aforesaid, situated opposite to and within a limit of ten miles of the line of said section of road thus completed, extending along the whole length of said completed section of twenty miles of road, and no further. And when the Governor of said State shall certify to the Secretary of the Interior, and the Secretary shall be satisfied that another section of said roads or branches, twenty consecutive miles in extent, connecting with the preceding section, is completed as aforesaid, the State may cause to be sold all the lands granted and situated opposite to and

within the limit of ten miles of the line of said completed section of road, and extending the length of said section, and so, from time to time, until said roads and branches are completed. And when the Governor of said State shall so certify, and the Secretary of the Interior shall be satisfied, that the whole of said roads and branches, and telegraph are completed in a good, substantial and workmanlike manner, as first-class railroads and telegraph, the said State may cause to be sold all the remaining lands granted and selected for the purposes indicated in this Act, situated within the said limits of twenty miles from the line thereof throughout the entire length of said road and branches; *Provided*, That if any of said roads and branches is not completed within ten years from the passage of this Act, no further sale shall be made, and the lands unsold shall revert to the United States.

SEC. 5. And be it further enacted: That the United States mail shall be transported over said roads and branches, under the direction of the Post-Office Department, at such price as Congress may by law direct; *Provided*, That until such price is fixed by law the Postmaster General shall have the power to determine the same.

Approved March 3, 1863.

AN ACT to accept a grant of lands made to the State of Kansas, by the Congress of the United States, to aid in the construction of certain railroads and telegraphs in said State, and to apply the same to construction of such roads and telegraphs.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The State of Kansas hereby accepts the grant of lands made to this State by the Congress of the United

States, by an Act entitled, "An Act for a grant of lands in the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State." Approved March 3d, 1863, upon the terms and conditions set forth in said Act of Congress.

SEC. 2. In consideration that the Leavenworth, Lawrence and Fort Gibson Railroad and Telegraph Company shall construct a railroad and telegraph from the City of Leavenworth, by the way of the town of Lawrence and *via* the Ohio City, crossing of the Osage River to the southern line of the State in the direction of Galveston Bay, in the State of Texas, with a branch from Lawrence by the valley of the Wakarusa River, to the point on the Atchison, Topeka and Santa Fe Railroad, where said road intersects the Neosho River, the State of Kansas hereby agrees to grant, bargain and sell to said Leavenworth, Lawrence and Fort Gibson Railroad Company all that portion of the lands granted to this State by the above-named Act of Congress, applicable to the construction of the above described railroad and telegraph, and the above described branches thereof, and which shall be selected or located in conformity with the provisions of the above-mentioned Act of Congress; and the said State of Kansas further agrees, and it is hereby enacted, that so soon as said Leavenworth, Lawrence and Fort Gibson Railroad Company shall complete any twenty consecutive miles of either said road or branch, as required by said Act of Congress, the Governor of this State shall by patent convey to such Company all the lands granted as aforesaid, which shall be situated opposite to and within a limit of ten miles of the line of the said section of road thus completed, extending along the whole length of said completed section, and no further, and so, from time to time, until said road and branch shall be completed. And whenever said road, branch and telegraph

shall be completed, as required by said Act of Congress, the Governor shall convey to said Company all the remaining lands granted by said Act of Congress, and applicable to the construction of said road, branch and telegraph. *Provided*, however, that said agreement for the sale of said lands, and all conveyances thereof, shall be for the use and purposes, and subject to the conditions, reversion and provisions set forth and contained in said Act of Congress, and in this Act. *And provided further*, that at the point of intersection of said roads and branches there shall be an equal division of the lands granted to aid in building said roads and branches.

SEC. 3. In consideration that the Atchison, Topeka and Santa Fe Railroad Company, formerly the Atchison and Topeka Railroad Company, shall construct a railroad from the City of Atchison *via* Topeka to the western line of said State, in the direction of Fort Union and Santa Fe, New Mexico, with a branch from where said road crosses the Neosho, down said Neosho Valley, to the point where the Leavenworth, Lawrence and Fort Gibson Railroad enters said Neosho Valley, the State of Kansas hereby agrees to grant, bargain and sell to said Atchison, Topeka and Santa Fe Railroad Company all that portion of the lands granted to this State by the above-named Act of Congress, applicable to the construction of the herein above-described railroad and branch thereof, and which shall be selected and located in conformity with the provisions of the above-named Act of Congress. And the said State does further agree, and it is hereby enacted, that whenever said Atchison, Topeka and Santa Fe Railroad Company shall complete any twenty consecutive miles of either said road or branch, as required by said Act of Congress, the Governor of this State shall, by patent, convey to said Atchison, Topeka and Santa Fe Railroad Company all the lands

granted as aforesaid, and which shall be situated opposite to, and within a limit of ten miles of, the line of said section of road thus completed, extending along the whole length of said completed section, and no further, and so from time to time, until said road and branches shall be completed, as required by said Act of Congress; and whenever said road and branches shall be thus completed, the Governor of this State shall convey to said Company all the remaining lands granted by said Act of Congress, and applicable to the construction of said road and branches: *Provided*, however, that said agreement for the sale of said lands, and all conveyances thereof, shall be for the uses and purposes, and subject to the conditions, reversion and provisions set forth and contained in said Act of Congress, and in this Act; and *Provided further*, that if the Congress of the United States shall, on or before the 4th day of March, 1866, consent that the Neosho Valley Branch of the above-named road may be extended so as to intersect the Union Pacific Railroad, Eastern Division, at or near Fort Riley, and shall make a grant of land for such extension of like amount with that granted per mile for the construction of the herein above-named principal road, then said Atchison, Topeka and Santa Fe Railroad Company shall proceed to construct such branch to such intersection on the terms and conditions herein above prescribed applicable to the construction of such main road.

SEC. 4. Each of said Companies shall file in the office of the Secretary of State, within six months after the passage of this Act, a copy of the acceptance by the Board of Directors of such Company of the provisions of this Act, duly certified under the seal of said Company, and, in default thereof, and grants and provisions herein contained, shall, as to the Company so failing, cease and be void.

SEC. 5. Said Companies shall respectively, within one

year after its road shall have been definitely located, file in the office of the Secretary of State a map or profile thereof, and of the land reserved or taken for the use of such road, and shall also file maps of the parts of such roads and lands in the office of the Register of Deeds of the several counties through which such road shall pass.


SEC. 6. The right of way upon and across all lands belonging to this State to a distance of one hundred feet in width, together with the right to construct and use upon such lands all turn-outs and water stations, is hereby granted to said Companies, respectively, for the use of their respective roads.

SEC. 7. Immediately after the passage of this Act, the Secretary of State shall cause the same to be published once in the *Topeka Tribune*, and it shall thereafter be in force.

Approved *February 9th*, 1864.

STATE OF KANSAS,
EXECUTIVE DEPARTMENT,
OFFICE OF SECRETARY OF STATE. }
TOPEKA, May 6, 1864.

I hereby certify, that the above is a true and correct copy of a law passed the Legislature, the original of which is on file in my office.

In testimony whereof, I have set my hand and affixed  the official seal of my office, the day and year aforesaid.

W. W. H. LAWRENCE,
Secretary of State.

AN ACT making an additional grant of lands to the State of Kansas to aid in the construction of railroad and telegraph lines.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled :

That there be, and hereby is, granted to the State of Kansas, to aid in the construction of a railroad and telegraph line from Emporia, *via* Council Grove, to a point near Fort Riley, on the Branch Union Pacific Railroad, in said State, every alternate section of land, designated by odd numbers, for ten sections in width on each side of said road ; *Provided*, That this grant shall be subject to all the provisions, restrictions, limitations and conditions, in regard to selection and location of lands and otherwise, of an Act of Congress approved March three, eighteen hundred and sixty-three, entitled, "An Act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State:" *Provided*, That said railroad shall be a public highway, and shall transport troops and munitions of war of the United States free of charge.

SEC. 2. And be it further enacted : That the branch railroad and telegraph from "Lawrence, by the valley of the Wakarusa River, to a point on the Atchison, Topeka and Santa Fe Railroad, where said road intersects the Neosho River," to aid in the construction of which a grant of lands was made by the said Act of third of March, eighteen hundred and sixty-three, shall be so changed as to run from Lawrence to Emporia, and have and receive the grant of lands made by said Act ; *Provided*, That the line of railroad and telegraph from Leavenworth, by way of Lawrence and the Ohio City crossing of the Osage River, to the south-

ern line of the State, in the direction of Galveston Bay, shall run *via* Baldwin City.

Approved, July 1, 1864.

“At a duly called meeting of the Board of Directors of the Atchison, Topeka and Santa Fe Railroad Company, held at the Company’s office, No. 58 Wall Street, New-York, March 15th, 1866—a quorum being present—the minutes of the previous meeting having been read and unanimously approved, it was, on motion, voted, That the form of a contract, between this Company and the Union Pacific Railway Southern Branch Company, transferring to the last named Company all the rights of this Company, which are or may be applicable *pro rata* to said Union Pacific Railway Company, having been read, is hereby approved, and the officers of this Company authorized and directed to execute and deliver the same, under the seal of this Company, and have a copy of the same placed on file in this office.”

I hereby certify that the foregoing is a true copy from the record of the proceedings of a Directors’ meeting of the Atchison, Topeka and Santa Fe Railroad Company.

CHAS. V. WARE,
Notary Public.

THIS INDENTURE, made this 19th day of March, A. D. 1866, by and between the Atchison, Topeka and Santa Fe Railroad Company, party of the first part, and the Union Pacific Railway Company, Southern Branch, party of the second part, both corporations created and organized under and by virtue of the laws of the State of Kansas,

Five Cent Internal Rev. Stamp.

Witnesseth:

That, *whereas*, by the Act of Congress, entitled "An Act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State," approved March 3d, 1863, lands were granted to said State in aid of the construction (among other roads and branches) of a railroad from where the main line of road of the party of the first part crosses the Neosho River, down said river to where the Leavenworth, Lawrence and Fort Gibson Railroad enters said Neosho Valley; And, *whereas*, by the Act of Congress, entitled "An Act making an additional grant of lands to the State of Kansas, to aid in the construction of a railroad and telegraph line from Emporia, *via* Council Grove, to a point near Fort Riley, in the Branch Union Pacific Railroad, in said State;" And, *whereas*, the Legislature of the State of Kansas, by its Act, entitled "An Act to accept a grant of lands made to the State of Kansas by the Congress of the United States, to aid in the construction of certain railroads and telegraphs in said State, and to apply the same in the construction of such railroads and telegraphs," approved February the 9th, 1864, did accept the grant of lands so made by Congress; And, *whereas*, the Legislature of said State, by said Act, did agree to grant, bargain and sell to the party of the first part hereto, in consideration (among other things) that said party of the first part should construct a railroad from a point on the Union Pacific Railroad,

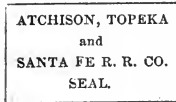
Eastern Division, at or near Fort Riley, down the Neosho River, to the point where the Leavenworth, Lawrence and Fort Gibson Railroad enters the said Neosho Valley, said road to be constructed as in said Act of the Legislature, and the above recited Acts of Congress, specifically provided; and did agree, on the completion of sections of said road, as therein provided, to convey, by patent, to the party of the first part hereto, all the lands granted, as aforesaid, by Congress, and applicable to the construction of the road last above-mentioned; And, *whereas*, the party of the first part did, within six months after the passage of the above-recited Act of the Legislature of the State of Kansas, file their acceptance of the provisions of the above-recited Act, and did thereby covenant and agree with the State of Kansas (among other things) that they would construct the road herein indicated, and do and perform all and singular the conditions and requirements in said Acts of said Legislature and of Congress contained; And, *whereas*, the party of the second part has, since that time, become a body corporate and politic, created and organized for the purpose of constructing a railroad from a point on the Union Pacific Railroad, Eastern Division, at or near Fort Riley, to the southern boundary of the State of Kansas, by way of the Neosho Valley, and on the route of road contemplated in said Acts of Congress and said Legislature; And, *whereas*, the Legislature of the State of Kansas has made to the said party of the second part a large appropriation to aid in the construction of the line of road last above-mentioned; And, *whereas*, the great length of the main line of road of the party of the first part must delay the speedy construction of the road in the valley of the Neosho River; And, *whereas*, the public good requires that there should be no conflict of rights in the construction of the road in said valley:

Therefore, for and in consideration of one dollar to them in hand paid, the receipt whereof is hereby acknowledged; and in further consideration of the premises, covenants, undertakings and agreements of the party of the second part hereinafter contained and set forth, to be by said party kept, performed and observed, the party of the first part hath bargained, sold and assigned, and, by these presents, doth bargain, sell and assign, and transfer, set and deliver over to the party of the second part, their representatives and assigns, all the rights, title and interests, franchises, authority, privileges, immunities and liberties, held, acquired, possessed and enjoyed for constructing, maintaining, operating and enjoying a railroad from the Union Pacific Railroad, Eastern Division, from a point at or near Fort Riley, down the Neosho Valley to where the Leavenworth, Lawrence and Fort Gibson Railroad may enter the Neosho Valley; which rights, title, interests, franchises, authorities, immunities and liberties accrued to and become vested in the party of the first part, by virtue of its acceptance of the provisions of the Act of the Legislature of the State of Kansas above recited, and its promise, covenant, undertaking and agreement to do and perform all and singular the requirements and conditions of said Act of said Legislature and the Acts of Congress hereinbefore recited and referred to; and in compliance, by the party of the second part, with the terms, requirements and conditions of the above-recited Acts, the party of the first part authorize and empower the party of the second part to receive, hold and enjoy any lands, property or effects applicable to the construction of a railroad between the points aforesaid, as fully and completely as the party of the first part might have held and enjoyed such lands, property and effects had this assignment or transfer never been made.

In consideration of the premises and the further consideration of one dollar, to them in hand paid, the receipt whereof is hereby acknowledged, the party of the second part, their representatives and assigns, covenant and promise with and to the party of the first part, their successors, legal representatives and assigns, that they will well and faithfully do and perform all and singular the duties, obligations and requirements imposed upon said party of the first part, and assumed and undertaken by said party under the several Acts of Congress and of the Legislature of the State of Kansas heretofore cited, and hereby referred to as more fully setting forth the obligations and liabilities hereby assumed, and that they will construct, maintain and operate a railroad and telegraph from a point on the Union Pacific Railroad, Eastern Division, at or near Fort Riley, down the Neosho River Valley to where the Leavenworth, Lawrence and Fort Gibson Railroad may enter said valley, within the time required and on the terms and conditions prescribed in said Acts; and the party of the second part further agree, covenant and promise the said party of the first part that they will protect and hold free from harm or loss in property or estate the party of the first part, against all forfeitures or penalties incurred or adjudged against said last-named party, in consequence of any default or failure made or permitted after the date hereof in the construction, maintenance or operation of said road or telegraph embraced in this agreement; and the said party of the second part further agree that they will repay any and all moneys necessarily expended up to the date of these presents, for engineers, surveys, plats and profiles by the party of the first part upon the above-named line of railroad, on the delivery to them of said engineer's maps, plats and profiles upon which such expenditures were made.

In testimony whereof, the parties hereto have subscribed their names and affixed their seals, by order of their respective Boards of Directors.

On behalf of the Atchison, Topeka and Santa Fe Railroad Company,



SAMUEL C. POMEROY,
President.



WILLIS GAYLORD,
Secretary.



On behalf of the Union Pacific Railway Company,
 Southern Branch,

R. McBRATNEY,



N S. GOSS,



Agents and Attorneys.

Resolution of the Legislature of the State of Kansas, approved February 26th, 1867.

Resolved, That the transfer and assignment of the Atchison, Topeka and Santa Fe Railroad Company, made and executed on the 19th day of March, A. D. 1866, to the Union Pacific Railway Southern Branch Company, of all the rights, title, interest, authority, privileges, immunities

and liberties held, acquired, possessed and enjoyed, for constructing, maintaining, operating, and enjoying a railroad from a point on the Union Pacific Railroad, Eastern Division, at or near Fort Riley, down the Neosho Valley to where the Leavenworth, Lawrence and Fort Gibson Railroad may intersect the Neosho Valley, be and the same is hereby ratified and confirmed. *Provided*, The term franchise, as used in the said transfer and assignment, shall not be construed to impair in any way the Charter of said Atchison, Topeka and Santa Fe Railroad Company.

Approved *February 26, 1867.*

S. J. CRAWFORD,
Governor.

AN ACT, providing for the sale of public lands, to aid in the construction of certain railroads.

BE it enacted by the Legislature of the State of Kansas:

SEC. 1. That the five hundred thousand acres of land donated and granted to the State of Kansas by Act of Congress, entitled, "An Act to appropriate the proceeds of the sale of public lands, and to grant pre-emption rights," approved Sept. 4th, 1841, which was located by Commissioners H. B. Denman, S. E. Hoffman, and E. P. Bancroft, said selections approved by the Secretary of the Interior, A. D. 1864, and lists of which are recorded in the office of the Secretary of State, shall be set apart to be sold for the benefit of each of the railroad companies hereinafter mentioned; and the proceeds arising from the sale thereof to be donated to the Northern Kansas Railroad Company, to aid in the construction of a railroad from Elwood, in Doniphan County, Kansas, through Brown and Nemaha Counties to Marys-

ville, in Marshall County, Kansas; also, to the Kansas and Neosho Valley Railroad Company, to aid in the construction of a railway, commencing at or near the mouth of the Kansas River, in the State of Kansas, opposite the City of Wyandotte, and running through the Counties of Johnson, Miami, Linn and Bourbon, in the direction of the southern boundary of the State. *Provided*, That none of the money derived from the sale of those lands shall be appropriated to said Company, but held in trust for the same until after a meeting of the directors of said road, representing each county and city that have issued or may subscribe stock to the same, upon the basis of the stock subscribed, they shall have made a final organization of the Company, and establish the name thereof. Also, to the Union Pacific Railway, (southern branch,) for the construction of a railroad, commencing at or near Fort Riley, and running along the valley of the Neosho River, and intersecting the Leavenworth, Lawrence and Fort Gibson Railroad, near where said last-mentioned road enters the said Neosho Valley, also to the Leavenworth, Lawrence and Fort Gibson Railroad.

SEC. 2. That the railroad companies, hereinbefore named, shall each appoint a commissioner, whose duty it shall be, in connection with the Governor, Secretary of State, State Auditor and Attorney-General, to allot and set apart the aforesaid lands in equal proportions, and as equally in value as possible to each of said railroad companies, to be sold as hereinafter provided for, for the use and benefit severally of the aforesaid railroad companies.

SEC. 3. That the Governor is hereby authorized and required to appoint an agent, whose duty it shall be to sell said lands, and give purchasers thereof certificates of such sales upon the presentation of which to the Governor, with a receipt of the State Treasurer for full payment, he shall

issue a patent to such purchaser or purchasers for the land so sold to him or them.

SEC. 4. Said Agent shall sell said lands at not less than one dollar and twenty-five cents per acre. The terms of such sales shall be cash, or, if the purchaser so desires, one-half the price thereof in cash, and the balance in two equal annual instalments, payable in one and two years from the date of such sale, said instalments drawing ten per cent. interest, payable annually. No patent shall be delivered to any purchaser until the purchase-money of the lands so bought by him is all paid, including the interest thereon, and other dues, if any.

SEC. 5. Said Agent shall hold his office until all said lands shall be sold, but shall be subject to removal by the Governor, upon the application and request of the corporations constructing said railways; and, in case of vacancy in said office of Agent, arising from removal, death or disability, the same shall be filled by the Governor, by the appointment of some suitable person as successor, who may be recommended for such office by said Directors, of said corporations. Said Agent shall have a salary of fifteen hundred dollars per annum, payable out of any moneys arising from the sale of said lands; said Agent shall give bonds to the State, with security, to be approved by the Governor, in the penal sum of fifty thousand dollars, for the honest and faithful discharge of his duties. Said Agent shall, once every month, file with the Auditor of State, a report, showing a description of the lands sold, the name and residence of the purchaser, the price per acre at which such lands were sold, the terms of such sale, the amount of moneys received, the name of the railroad company for whose benefit said lands were sold, and a description of the notes taken, if sold on time; and at the time of filing such

report, he shall deposit all moneys derived from any sale with the Treasurer of State, taking his receipt therefor. Said report shall be signed and sworn to by said Agent; his salary shall be paid quarterly, upon a warrant drawn by the Auditor upon the Treasurer. Five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money arising from such sales, for the necessary expenses incurred by said Agent, in procuring plats, advertising and other contingent expenses. The accounts (certified by affidavit) for such expenses, shall be audited by the Auditor, and his warrant upon the Treasurer given therefor.

SEC. 6. Each of the railroad companies aforesaid shall be credited by the State Treasurer with the moneys arising from the sale of the lands allotted, as aforesaid, to such company; and such moneys credited shall be paid by him to the proper officers of such company, whenever such road or section of ten miles thereof, shall be accepted by the Commissioners herein-before appointed; and it shall be the duty of such Commissioners, whenever notified by any one of the said railroad companies, that any section of ten miles of its road is completed and in good running order, to view such section of road; and if such Commissioners shall be satisfied with the construction of such road, under the provisions of this Act, they shall execute their written acceptance of such section of road, which acceptance shall be put on file in the office of the Secretary of State; *Provided, however,* If any one of the companies aforesaid shall fail to complete and put in good running order ten miles of its road, within five years from the date of the taking effect of this Act, such company shall forfeit all the rights, franchises and privileges conferred by this Act; and such rights, franchises and privileges, and the funds to which such road would be entitled, upon a full compliance with the pro-

visions of this Act, shall inure *pro rata* to the benefit of such company or companies as shall comply with the provisions hereof, at the rate of ten thousand acres of land for each additional mile, on condition however, that no railroad company shall secure any additional portion of said forfeited franchise, except upon the completion, in good running order, and acceptances of at least ten miles of its road per annum after the expiration of said five years; *And provided further*, That if no such company shall, within said five years, comply with the provisions hereof, then all the rights, franchises and privileges herein conferred, shall be forfeited by such companies, and shall revert to the State of Kansas.

SEC. 7. Until the assent of Congress, to the contrary, is obtained, said railway shall be free for the transportation of the United States mail and munitions of war, and for the passage of their troops, without the payment of any toll whatever.

SEC. 8. The sale and management of said lands and proceeds, the duties and conduct of the different officers connected therewith, and all matters and things pertaining thereto, not specifically set forth in this Act, shall be conducted by and be subject to the instructions and rules made by the directors of said corporations.

SEC. 9. The agent to be appointed as herein provided, and other persons employed, shall, before entering upon the discharge of their duties, file with the Secretary of State an oath to faithfully and honestly discharge said duties.

SEC. 10. That each of the corporations named in the first section of this Act, shall file its acceptance thereof with the Secretary of State within six months from the passage of this Act.

SECT. 11. This Act shall take effect and be in force from and after its publication once in the *Leavenworth Daily Conservative*.

Approved Feb. 23, 1866.

S. J. CRAWFORD,
Governor.

I, R. A. Barker, Secretary of State, do hereby certify that the foregoing is a correct copy of the enrolled law on file in my office, and that the same was published in the *Leavenworth Conservative* for March, 1866.

R. A. BARKER,
Secretary of State.



AN ACT authorizing certain counties to subscribe to and take stock in certain railroad companies, and issue bonds therefor.

BE it enacted by the Legislature of the State of Kansas :

SEC. 1. The Counties of Atchison, Jefferson and Shawnee, and all other counties through or near which the proposed line or lines of the Atchison, Topeka and Santa Fe Railroad AND ITS BRANCHES shall pass, are each hereby empowered and authorized to subscribe and take stock in the Atchison, Topeka and Santa Fe Railroad Company, and to issue bonds for the same, not to exceed the amount of 200,000 dollars; *Provided*, however, that such stock shall not be so subscribed and taken by the said counties, or any of them, until the question shall be submitted to the voters of the said counties respectively, and a majority vote obtained in favor thereof at some general election; And *Provided further*, that the said Atchison, Topeka and Santa Fe Rail-

road Company, shall, upon the issue of the bonds of said counties respectively, as herein provided for to said company, issue to said counties an amount of full paid stock of said company, equal to the amount of the bonds of each county respectively.

SEC. 2. Whenever any of the said counties shall determine to subscribe to the capital of the said railroad Company in the manner provided for in this Act, and the amount of said subscription, it shall be the duty of the County Commissioners of such counties respectively to issue the bonds of the said counties to the amount of such authorized subscription, with coupons attached, which said bonds shall be made payable twenty years from date, and bearing interest at the rate of seven per cent. per annum, said interest payable semi-annually, at the office of the County Treasurer of said counties respectively. Said bonds shall be signed by the Chairman of the Board of County Commissioners, and countersigned by the clerk of said Board, and shall have the seal of said counties, respectively, attached thereto; said bonds shall also specify to whom payable, the rate of interest, and time when the principal and interest shall be paid, and each bond so issued shall not be for a less sum than one thousand dollars.

SEC. 3. The Board of County Commissioners of said counties are hereby authorized to take all necessary steps to secure the submission of the question of taking stock in said Atchison, Topeka and Santa Fe Railroad Company, as contemplated by this Act, to the voters of their respective counties, and to do all other acts and things necessary to the carrying out of the provisions of this Act.

SEC. 4. The Board of County Commissioners of said counties, respectively, shall, after the issuance of bonds, as provided for in this Act, cause to be levied and collected

each year, with the other taxes of said counties, a sufficient amount to pay the interest, as the same accrues, on all bonds so issued under the provisions of this Act; and they shall also levy and collect a tax sufficient to create a sinking fund for the final redemption of such bonds, which tax, when paid into the County Treasurer, shall be and remain a specific fund for said purposes only, and shall not be appropriated or used in any other way, except as hereinafter provided.

SEC. 5. That the tax mentioned in the fourth section of this Act levied and collected, to create a sinking fund for the final redemption of the bonds issued under this Act, shall be invested annually, if the same can be done advantageously, by and for the interest of the county by the President of the Board of County Commissioners and the County Treasurer of the county, in the bonds of the United States, and in the bonds of this State, at their market value, on the New-York Stock Exchange, or the bonds of said county, issued under the provisions of this Act, at their lowest market value, but in no case shall the same be purchased at a higher price than their par value. Bonds of the United States and of this State so purchased shall be held and retained by the County Treasurer until the principal of the bonds issued under this Act shall become due, and shall then be disposed of at the highest market rates of the New-York Stock Exchange, and the proceeds of the sale of such bonds, purchased as aforesaid, shall be appropriated to the redemption of the bonds issued under this Act; but all bonds of the county, purchased as aforesaid, shall have "cancelled" written across the face of the bonds and of the remaining coupons, and the date of the cancellation shall be written on the face of the bonds so cancelled, and the cancelled bonds shall then be deposited with the County Commissioner's clerk.

SEC. 6. That whenever the interest on the bonds issued under the provisions of this Act shall become due, the same shall be paid by the Treasurer of the County, upon presentation of the proper coupons therefor at his office, and the coupons thus paid shall be cancelled and filed in the County Commissioner's clerk's office by the Treasurer.

SEC. 7. The credit of the said counties is hereby pledged to the payment of the interest and principal of the bonds mentioned in this Act, as the same may become due, except as provided in section six of this Act, and it shall be the duty of the County Commissioners' clerk to register such bonds in a book provided for that purpose, which registry shall show the date, number, amount, and to whom is made payable each of said bonds.


SEC. 8. That the several counties of this State through which the Leavenworth, Lawrence and Fort Gibson Railroad Company or its assigns, shall locate their main road or branches thereof, are hereby authorized and empowered to subscribe for and take stock in said railroad company, and issue bonds therefor in the same manner, and to the same extent as the respective Counties of Atchison, Jefferson, Shawnee and other counties, are authorized and empowered to subscribe for and take stock in the Atchison, Topeka and Santa Fe Railroad Company, and issue bonds therefor, being governed therein, in all respects by the provisions of this Act.

Approved March 1st, 1864.

STATE OF KANSAS,
EXECUTIVE DEPARTMENT,
OFFICE OF SECRETARY OF STATE, }
TOPEKA, May 6, 1864.

I hereby certify that the above is a true and correct copy

of a law passed the Legislature, the original of which is on file in my office.

In testimony whereof, I have set my hand and affixed
 the official seal of my office, the day and year
 aforesaid.

W. W. H. LAWRENCE,
Secretary of State.

*AN ACT to authorize counties and cities to issue bonds to
 railroad companies.*

BE it enacted by the Legislature of the State of Kansas :

SEC. 1. That the Board of County Commissioners of any county, to, into, through, from, or near which, whether in this or any other State any railroad is or may be located, may subscribe to the capital stock of any such railroad corporation, in the name and for the benefit of such county, not exceeding in amount the sum of three hundred thousand dollars in any one corporation, and may issue the bonds of such county, in such amounts as they may deem best, in payment for said stocks. *Provided*, that such bonds shall be issued only in payment of assessments made upon all the stocks of such railroad company, which bonds shall bear interest at a rate not exceeding seven per cent. per annum, and shall be payable within thirty years. And the said Board of Commissioners shall elect one of their number, who shall not be a stockholder, to cast the vote of the county at any election for directors, or at any meeting of the stockholders of such company; and said Board of Commissioners shall annually levy and collect, at the same time and in the same manner that general taxes are levied and collected, a tax sufficient to pay the annual interest on such bonds, and to create a sinking fund for their redemption.

But no such bonds shall be issued until the question shall be first submitted to a vote of the qualified electors of the county at some general election, or at some special election to be called by the Board of County Commissioners, by first giving twenty days' notice in some newspaper published and having general circulation in the county; or, in case there be no paper in the county, then by written or printed notices posted up in each election precinct; and in submitting said question, said Board of Commissioners shall direct in what manner the ballots shall be cast. If a majority of the votes cast at such election shall be in favor of issuing such bonds, the Board of Commissioners of the county shall issue the same.

SEC. 2. Said bonds, when issued, shall be in such form, and shall be numbered and registered in such manner, as the Board of Commissioners shall determine.

SEC. 3. And the Common Council of any city in any such county as is described in the first section of this Act, incorporated under the Laws of this State, may, under the provisions of this Act subscribe for stocks in, and issue bonds to, any such Railroad Company, not exceeding the sum of two hundred and fifty thousand dollars in any one company, and all the provisions of the first two sections of this Act, as to submitting the question to a vote of the people, subscribing for stocks the manner in which the bonds shall be issued, and the selection of a person to vote for director or other purposes, shall, as far as practicable, apply to and govern the action of the Common Council; and the Common Council shall, annually, at the same time and in the same manner that general city taxes are levied and collected, levy and collect a tax sufficient to pay the annual interest on such bonds, and to create a sinking fund for their redemption.

SEC. 4. In case the Board of Commissioners of any such county, or the Common Council of any such city, have heretofore submitted to the electors of such county or city the question of issuing bonds to any railroad company, and at such election such electors voted to issue such bonds, such board or such council, as the case may be, are hereby authorized to issue such bonds and subscribe for stocks not exceeding the amount as provided in the first and third sections of this Act, as provided in the first section of this Act.

SEC. 5. This Act shall take effect and be in force from and after its publication once in the *Daily Conservative*.

Approved February 10, 1865.

S. J. CRAWFORD,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Leavenworth Daily Conservative* for February 14, 1865.

R. A. BARKER,
Secretary of State.

