

LANDS GRANTED RAILROADS.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

IN RESPONSE TO

A resolution of the House of Representatives relative to lands granted by the government to certain railroads.

MARCH 29, 1882.—Referred to the Committee on the Judiciary and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, March 28, 1882.

SIR: In answer to House resolution of the 9th ultimo, calling on me for information concerning land-grant railroads, I have the honor to transmit herewith report on the subject, under date of yesterday, by the Commissioner of the General Land Office, to whom the resolution was referred. This report gives the material information called for, so far as it can be obtained from the records of this department, as I am advised by the Commissioner of the General Land Office.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

The SPEAKER
of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 27, 1882.

SIR: I have the honor to acknowledge the receipt on the 11th ultimo, by reference from the department on the 10th, for report, of a resolution of the House of Representatives, passed the 9th ultimo, as follows:

Resolved, That the Secretary of the Interior be requested to inform the House, at his earliest convenience, the names of all the railroad companies to which the government has granted lands to aid in the construction of their railroads, and the names of all States and railroad companies where grants of public lands have been made by the government to said States for the benefit of said railroad companies in the construction of their railroads, which have not completed their said roads within the time provided by law; the amount of land embraced in each grant, and the amount disposed of by each of said railroad companies and States, and the dates of all acts

of Congress relating to each of said grants, and the number of miles of each of said railroads completed under and pursuant to the acts making each grant, as well as the number of miles of each remaining uncompleted at the date at which said acts required the completion of the same; and he is also requested to give the name of each of said railroad companies and States which are required by law to reimburse the government for moneys expended by it in the surveying, selecting, or conveying said lands comprised within each of their said grants, and what amount; and also what amount, if any, is now due from each of said companies and States by way of reimbursement for the cost of said surveying, selecting, and conveying said lands, stating the amount in full by debit and credit on said indebtedness.

The States and corporations to which grants have been made, for the benefit of roads which have not been constructed, in whole or in part, within the time required by the granting acts, and which I understand to fall within the terms of the inquiry, are specified in the accompanying tabular statement marked A. Said statement also shows the several acts making grants and increasing same, together with the acts granting an extension of time for the completion of several of the roads; the date when each road should have been completed; the date when (if at all) each road was completed; the length in miles of each road as definitely located or proposed; the number of miles completed within the period required by the granting act; the number of miles completed after such period; the number of miles uncompleted at the time when the road should have been completed, and the number of miles now uncompleted.

Said statement also shows the number of sections "in place" granted for each mile of road; and grants "to the amount of" a certain number of sections per mile; also the number of acres certified, approved, or patented to each State or corporation.

Unless otherwise indicated, the number of acres given in the column headed "approximate estimate of the number of acres so granted," is the result obtained by multiplying the number of acres granted per mile (allowing 640 acres to each section) by the number of miles of located road.

No deductions whatever, unless expressed, are made for lands that may be situated in limits common to two or more roads. Neither does the statement show the cases where it would be impossible to find sufficient land within the limits of a grant to satisfy it, as such fact could not be clearly demonstrated except by adjusting such grant tract by tract, which it is not possible to do for reasons hereinafter stated. The resolution asks the amount of land embraced in each grant. Such amount cannot be stated specifically. At the beginning it was held that the grants to States to aid in the construction of roads were present grants, and it was believed by the department that the duty of "disposal" was properly in the States charged with executing the trusts. Accordingly, in all the earlier grants, immediately upon the location of the roads and determination of the limits of the grants, this office and the department certified, in whole, to the States, the lands to which companies would ultimately have been entitled, had the roads been completed as required; and, in some cases, even in excess of that amount. This certification was on the theory that the grants were of absolute quantity, restricted only by certain lateral limits; that is, that the States were entitled to "indemnity" for lands lost, for any reason, in the granted limits, to the extent of such loss, provided only that the quantity of the grants could be found, available, within the limits to which they were restricted.

The Supreme Court of the United States (October term, 1875), in the case of the Leavenworth, Lawrence and Galveston Railroad Company *vs.* The United States (2 Otto, 733), decided, in effect, that grants would

be entitled to indemnity only for lands in granted limits lost to them between the date of the granting acts and the definite location of the roads. Following this rule, it would, of course, be necessary in determining the actual quantity of any grant to examine tract by tract the lands in the granted limits, and ascertain what lands were lost prior to the date of the grant, and from that date up to the definite location of the road, thus ascertaining the amount to be made up from the indemnity limits to adjust the grant.

This rule was modified by your predecessor October 16, 1880, following the opinion of the Attorney-General, dated June 5, 1880, in the case of the Western Railroad of Minnesota, wherein it was held and decided that properly construed such grants would be entitled to indemnity for lands lost in the granted limits, either before or after the granting act and up to the definite location of the roads, excepting only *reserved* lands.

It was also held and decided that such grants were not of absolute quantity, like the Pacific railroad grants, but were grants in place, to the amount of whatever might be the actual area of the granted sections for so many sections in width, whether such sections were full or fractional and contained more or less land (see pages 158 to 163, inclusive, annual report of this office, for 1881). This modified rule would still require the detailed examination of grants above suggested, and it would not have been practicable to have accomplished the same up to the present time as to more than a few grants.

Some grants were under examination under the rule, when, in connection with the grant to Minnesota, for the Saint Paul, Minneapolis and Manitoba Railroad (formerly the Saint Paul and Pacific, Saint Vincent extension), the whole question as to what losses would entitle the State to indemnity was presented to and taken under consideration by you. I have not been informed of your decision in the matter, and am therefore not in a position to determine the exact number of acres granted were it practicable to do so in time for this report. For this reason and after consultation with you, I have, in the accompanying table, unless otherwise indicated, estimated the quantity granted as if the grant were full and the company entitled to that quantity.

As a matter of fact many of the grants could not receive so much for the reason that there is not available within the prescribed limits enough land to satisfy them.

Where grants are made "to the amount of" a certain number of sections per mile, such amount is stated in the column headed "Estimated quantity of land (in acres) embraced in the limits of the grant," and is produced, unless otherwise stated, by multiplying the number of acres granted per mile by the number of miles of road located.

The resolution asks the amount of land disposed of by each company and State. This office has no information whatever on the subject. The disposition of the lands by States and companies, after their certification or patenting by the United States, is not a matter of record in the department.

The grants to States and corporations which are included in the tabular statement herewith are more particularly described, and the status of each road, to aid in the construction of which the grants were made, more clearly shown in the following detailed statement:

GULF AND SHIP ISLAND.

Under the act of August 11, 1856, a grant of six sections of land per mile was made to the State of Mississippi for a road from "Bran-

don to the Gulf of Mexico." Provision was made in the act for sale by the State of the lands granted, the quantity sold to be proportionate to the miles of road constructed from time to time, except in the case of the sale of the first one hundred and twenty sections, which could be sold in advance of the construction of any portion of the road. It was also provided that if the road was not completed within ten years the lands unsold should revert to the United States.

On August 15, 1856, prior to location of the road, the lands falling within the probable limits of the road were withdrawn from sale or location by Notice 567. A map of definite location of the road was filed in this office November 27, 1860. No lands have been approved to the State for said road, neither has any portion of the road been constructed. The reservation of lands for the road ceased on August 11, 1866.

The same act provides for a road from

TUSCALOOSA TO MOBILE RAILROAD,

within the State of Mississippi, granting for said purpose the same quantity of land and in the same manner, upon the same limitations and restrictions in every respect, as in the case of the Gulf and Ship Island Road. The withdrawal from sale or location of lands falling within the probable limits of the road was made August 15, 1856, by Notice 567. No map of location has been filed, neither has any portion of the road been constructed. No lands have been approved to the State of Mississippi for said road. The reservation of lands for the road ceased on August 11, 1866.

A like grant was made by section 6 of the same act (August 11, 1856) to the States of Alabama, Mississippi, and Louisiana, to aid in constructing a road from

MOBILE TO NEW ORLEANS.

The withdrawal of lands for this road was made August 15, 1856, by Notice 567. No map of location has been filed. No portion of the road has been constructed. No lands have been approved to either of the States named for the benefit of said road. The reservation of lands for the road ceased August 11, 1866.

RAILROADS IN ALABAMA.

The act of June 3, 1856, granted to the State of Alabama, for the purpose of aiding in the construction of certain railroads named below, every alternate section of land designated by odd numbers for six sections in width on each side of each of said roads. The act provides indemnity for lands within the limits of the grant, sold or pre-empted prior to the definite location of each road. It also provides that the lands granted to the State "shall be subject to the disposal of the legislature thereof for the purposes aforesaid and no other." Section 4 of the act provides—

That the lands hereby granted to said State shall be disposed of by said State only in the manner following, that is to say: That a quantity of land, not exceeding one hundred and twenty sections for each of said roads, and included within a continuous length of twenty miles of each of said roads, may be sold; and when the governor of said State shall certify to the Secretary of the Interior that any twenty continuous miles of any of said roads is completed then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads having twenty continuous miles completed as aforesaid, and included within a continuous length of twenty miles of each of said roads, may be sold; and so, from time to time, until said roads are completed; and if any of said roads is not completed within ten years, no further sale shall be made, and the lands unsold shall revert to the United States.

The lands falling within the probable limits of the several roads provided for in the act were withdrawn from sale or location by Notice 565, June 21, 1856. The following railroads were provided for in said act:

COOSA AND TENNESSEE.

This road was authorized by that portion of the act which provided for a railroad "from the Tennessee River at or near Gunter's landing, to Gadsden, on the Coosa River." A map of definite location, showing 36½ miles, was filed in this office January 18, 1859. Under the provisions of said section, 67,784.96 acres of land were approved June 27, 1860, to the State of Alabama for the benefit of the said railroad. (See Railroad Land Company vs. Courtright, 21 Wall.; 310, as to patent for 120 sections.) Whether said lands were transferred to the Company by the State is not known by this office. No portion of the road has been constructed. The lands withdrawn and not approved to the road have not been restored to market, as they are within the limits of the withdrawal for the Wills Valley (now Alabama and Chattanooga) Railroad, the grant for which is not fully adjusted.

COOSA AND CHATTOOGA.

This road was authorized by that portion of the act which provided for a railroad from "Gadsden to connect with the Georgia and Tennessee and Tennessee line of railroads, through Chattooga, Wills, and Lookout Valleys," to be completed within ten years. The Coosa and Chattooga Railroad Company was organized under said act, and filed in this office, September 20, 1858, a map of definite location of a railroad from Gadsden, on the Coosa River, through the Chattooga Valley east of Lookout Mountain, to the Georgia State line, a distance of about 37½ miles. No portion of the road has been constructed. The lands withdrawn have not been restored to market, as they lie within the limits of the Wills Valley (now Alabama and Chattanooga) Railroad, the grant for which is not fully adjusted.

(NOTE.—Both the Wills Valley Railroad Company and the Coosa and Chattooga Railroad Company were organized under the grant above named, the Wills Valley Company locating [and *building*] through the Wills and Lookout Valleys, and the Coosa and Chattooga Railroad Company through the Chattooga Valley. The grant was conferred on the Wills Valley Railroad Company by a joint resolution of the legislature of Alabama, approved January 30, 1858.)

ELYTON AND BEARD'S BLUFF.

This road was authorized by that portion of the act which provided for a railroad "from Elyton to the Tennessee River, at or near Beard's Bluff, Alabama." No map of location has been filed, neither has any portion of the road been constructed. The reservation of lands for the benefit of this road ceased June 3, 1866, the date of the expiration of the grant. It is not known to this office that any corporation or company organized under the act ever existed.

MEMPHIS AND CHARLESTON.

This road was authorized by that portion of the act which provided for "the Memphis and Charleston Railroad, extending from Memphis, on the Mississippi River, in Tennessee, to Stevenson, on the Nashville

and Chattanooga Railroad, in Alabama." The State of Alabama refused to accept the grant for said road, and the lands withdrawn were restored to market, by Notice 595, February 19, 1858.

MOBILE AND GIRARD.

This road was authorized by that portion of the act providing for a road from "Girard to Mobile, Ala." A map of definite location of the road from Girard to Blakely, Alabama, on Mobile Bay, a distance of 223.6 miles, was filed in this office on the 1st of June, 1858. Under the construction of the act as held by this department until October, 1875, and hereinbefore referred to, there were nine lists of land, aggregating 504,145.86 acres, approved to the State of Alabama for the benefit of said road, between April 26, 1860, and January 3, 1861, inclusive. There is no evidence on file in this office, or in the Department, of the construction of any portion of said road, yet it is known unofficially that a railroad has been constructed and is in operation from Girard to Troy, a distance of 84 miles, on the line (or very nearly so) of definite location. It was held by this office, January 15, 1874, by Commissioner Drummond, that if any portion of the road had been constructed in time, it would, upon a proper showing to that effect, be entitled to an amount proportionate to the number of miles so constructed. Under this theory the road would, upon proper evidence of the construction of 84 miles of road, be entitled to 322,560 acres of land, but there had been (as before stated) 504,145.86 acres, or an excess of 181,585.86 acres, approved to the State for this road in 1860-'61.

Commissioner Drummond recommended the restoration to entry, by formal revocation on the part of Congress, of the portions of the grant not earned. No restoration of such lands, however, has yet been made by Congress, nor has any restoration been attempted, or declaration of forfeiture made in the case of any similar grant, by this office or the department, because of the decision by the Supreme Court of the United States, October, 1874, in the case of *Schulenberg vs. Harriman* (21 Wallace, 44), where the conclusion was reached that acts of Congress containing provisions and restrictions such as are found in the act of June 3, 1856, import a present grant to the extent of passing over to the State the legal title to the odd sections designated; that a provision—

That all lands remaining unsold after ten years shall revert to the United States if the road be not then completed, is no more than a provision that the grant shall be void if a condition subsequent be not performed; * * * [that] it is settled law that no one can take advantage of the non-performance of a condition subsequent annexed to an estate in fee but the grantor or his heirs, or the successors of the grantor if the grant proceed from an artificial person; and if they do not see fit to assert their right to enforce a forfeiture on that ground, the title remains unimpaired in the grantee. * * * In what manner the reserved right of the grantor for breach of the condition must be asserted so as to restore the estate, depends upon the character of the grant. If it be a private grant, that right must be asserted by entry or its equivalent. If the grant be a public one, it must be asserted by judicial proceedings authorized by law, * * * or there must be some legislative assertion of ownership of the property for breach of the condition, such as an act directing the possession and appropriation of the property, or that it be offered for sale or settlement.

Upon the question of sales by the State after failure to complete the road within the statutory period, the court says:

The provision in the act of Congress of 1856, that all lands remaining unsold after ten years shall revert to the United States if the road be not then completed is no more than a provision that the grant shall be void if a condition subsequent be not performed. * * * The prohibition against further sales if the road be not completed within the period prescribed, adds nothing to the force of the provision. A

cessation of sales in that event is implied in the condition that the lands shall then revert; if the condition be not enforced, the power to sell continues as before its breach, limited only by the objects of the grant and the manner of sale prescribed in the act.

It was also held in said decision that where no action had been taken by legislative or judicial proceedings to enforce a forfeiture of the estate granted by the act of 1856, the title remains—

In the State as completely as it existed on the day when the title by location of the route of the railroad acquired precision and became attached to the adjoining alternate sections.

SELMA, ROME AND DALTON, FORMERLY ALABAMA AND TENNESSEE.

This road was authorized by that portion of the act which provided for the "Coosa and Alabama Railroad, from Selma to Gadsden." A map of definite location of the line of route from Selma, via Calera, Rome, Talladega, and Jacksonville, to Gadsden, a distance of 167.35 miles, was filed in this office March 27, 1858. The line of route, although indirect and tortuous, was approved by the Secretary of the Interior May 15, 1858.

On the 8th of June, 1859, a certificate of the governor of Alabama, dated June 4, 1859, was filed in this office, showing the construction of 100 miles of the road from Selma north. No further evidence of construction was received in this office until February 13, 1869, when a certificate was filed in this office by the governor of Alabama, dated January 13, 1869, showing the construction of a railroad from Selma by way of Montevalle, Columbia, Talladega, and Jacksonville, and thence to the Georgia State line, a distance of 171.754 miles.

The road as constructed did not follow the line of location beyond Jacksonville, neither was it ever completed to Gadsden, the line built running northeast from Jacksonville to the Georgia State line, instead of running from Jacksonville northwest to Gadsden, leaving 23.42 miles (from Jacksonville to Gadsden) of the located line unconstructed. It will be observed that only 100 miles of the road were constructed within the period required by law, 143.93 miles were constructed upon the located line (43.93 miles being constructed after the time required by law), and had so much of the road been constructed within the proper period, it would have been entitled to 552,691 acres, provided there was that quantity of vacant lands within the limits of its grant.

On May 24, 1859, and May 7, 1860, there were selections of land aggregating 440,700.16 acres, approved to the State of Alabama for the benefit of this road, and a portion of the lands so approved lie opposite the 23.42 miles of unconstructed road.

The act of May 23, 1872, confirmed to the State of Alabama for the sole use and benefit of the Selma, Rome and Dalton Railroad Company, the successors of the Alabama and Tennessee Railroad Company, all the lands previously certified to the said State for the benefit of the last-named company. Since the passage of said act, but 16,515.21 acres have been approved (May 19, 1875) to the State for the benefit of said road (Selma, Rome, and Dalton). The grant has not been adjusted, and the vacant odd sections, within the limits of the grant are still withdrawn for the benefit of the road.

SAVANNAH AND ALBANY.

The seventh section of the act of March 3, 1857, granted to the State of Alabama for the purpose of aiding in the construction of a railroad

From the line of Georgia on the Chattahoochee River, to the City of Mobile, Alabama, " * * * alternate sections of the public lands to the same extent and in the same manner, and upon the same limitations and restrictions in every respect, as was granted to aid in the construction of other railroads.

Under the act of June 3, 1856, above referred to, granting lands to the State of Alabama, April 21, 1857, the lands falling within the probable limits of the road were withdrawn from sale or location. No map of location was filed, and no portion of the road was ever constructed. The reservation of lands for said road ceased March 3, 1867.

RAILROADS IN FLORIDA.

The act of May 17, 1856, granted to the State of Florida, to aid in the construction of certain railroads in said State, every alternate section of land designated by odd numbers, for six sections in width on each side of such roads. The provisions in said act for indemnity, for disposition of the lands by the legislature of said State, for the sale of such lands, and for the reversion of the unsold lands to the United States, in the event of failure to complete the roads within ten years, are identical with those contained in the act of June 3, 1856, above quoted, granting lands to the State of Alabama. The following described railroads are provided for by the act (May 17, 1856):

ATLANTIC, GULF, AND WEST INDIA TRANSIT, FORMERLY FLORIDA RAILROAD.

This road was authorized by that portion of the act which provides for a road "from Amelia Island, on the Atlantic, to the waters of Tampa Bay, with a branch to Cedar Key on the Gulf of Mexico." The lands falling within the probable limits of the road (main line and branch) were withdrawn from sale and location, by telegram, on the 17th May, 1856, and by Notice 568, September 9, 1856. On the 22d September, 1857, a map of definite location of that portion of the road from Fernandina to Cedar Keys, 155 miles in length, was filed in this office. Eighty-four miles of the road so located was on the main line, and 71 miles (from Waldo to Cedar Key) was the branch line complete. The whole of said 155 miles was completed in 1860, entitling the State to, say, 595,200 acres for the benefit of the road. Up to the present time but 290,183.28 acres have been approved to the State under this grant. Said lands were approved prior to January 7, 1860.

The reservation of lands on that part of the main line from Waldo to Tampa Bay, 150 miles in length, was not respected by this office after May 17, 1866, entries being permitted of all lands (unless otherwise reserved) outside and south of the 15-mile indemnity limits of the constructed portion of the road. Under date of December 7, 1875, the president of the company, Mr. Yulee, transmitted a map showing the proposed route of the main line from Waldo to Tampa, and asked that the lands along the said line and within the limits prescribed by the act of May 17, 1856, be withdrawn for the benefit of the road. The map and accompanying papers were submitted to Secretary Chandler, who declined to receive or approve the map, and directed, by letter of April 27, 1876, that it be returned to Mr. Yulee. Secretary Chandler says in said letter that he does not question the principle established in the case of *Schulenberg vs. Harriman*; that the title which vested in the State by the grant and definite location of the road thereunder could not be divested by the mere failure to complete the road *so located* within the time fixed by the act, but that he finds nothing in that case to sustain the doctrine that the State retains the right for an indefinite period and long after the date fixed for the completion of the road to designate its route and thus give effect to the grant. He also held that failure to *locate* the road before the time fixed for the completion of the road should be regarded as evidence of abandonment of the grant.

On October 29, 1879, the company, through its attorney, filed in this office the map rejected by Secretary Chandler, and asked that it might, together with new and material evidence bearing upon the original location of the road, which accompanied it (the map), be submitted to the then Secretary of the Interior (Schurz) for review.

On the 10th of November, 1879, the map, evidence, and application for review were submitted to the Secretary. The evidence submitted showed conclusively that a map of definite location of the road from Waldo to Tampa was filed in this office by the engineer of the company December 14, 1860; which map being returned to him January 22, 1861, for the procurement of the governor's certificate, was lost or mislaid; and that the last map presented was a duplicate of the original map of definite location.

Secretary Schurz, after due consideration of the facts presented, held in effect that the return of the map as above related was unnecessary; that it should have been accepted by this office, as it was undoubtedly recognized by the officers of the company, and by the State authorities, as the definite location of the road; and that the map was filed in the same manner as the surveys of previous portions of the line had been filed in the office of the secretary of state of Florida. The Secretary therefore approved the map and directed that the necessary withdrawal of lands be made to protect the rights of the company and secure the proper adjustment of the grant upon the line designated. Such withdrawal was ordered by this office and took effect March 26, 1881. It may be proper to state in this connection that the company have filed a formal waiver of all claims to lands within the limits of the road occupied by *bona fide* settlers at the date of said withdrawal. Upon the question of certifying lands to the State under the grant, the Secretary decided that the lands could be legally certified, referring to the case of *Schulenberg vs. Harriman* hereinbefore quoted, opinions of Attorney-General, November 29, 1879, case of Southern Minnesota Railroad Company, and October 26, 1880, case of Atlantic and Pacific Railroad Company. The governor of Florida, under date of July 16, 1881, certifies to the completion of 44.88 miles of road from Waldo to Ocala.

PENSACOLA AND GEORGIA.

This road was authorized by that portion of the act which provides for a railroad "from Saint John's River at Jacksonville to the waters of Escambia Bay, at or near Pensacola."

The Pensacola and Georgia Railroad Company was organized to construct that portion of the road running from Lake City to Pensacola, and the grant for that portion of the road conferred upon them by the State. Said company filed maps of definite location for said portion, which covered about 307 miles of road, prior to May 30, 1858. The lands falling within the probable limits of this road were withdrawn by telegram and letter of May 17, 1856, and May 23, 1856, by Notice 558.

No evidence of the construction of any portion of this road has been filed in this office, but the road is believed to be constructed and in operation from Lake City to Chattahoochee River, a distance of, say, 150 miles. Had the whole length of road located (307 miles) been constructed the State would have been entitled to 1,178,880 acres of land, provided so much vacant and unappropriated land could have been found within the limits of the grant. Prior to October 30, 1860, 1,275,579.52 acres were approved to the State for the benefit of this road. It will be observed that said amount exceeds, by 96,779.52 acres, the entire

amount that the State would have been entitled to had the whole length of road (307 miles, been constructed; also, that it exceeds by 699,579.52 acres the amount the State could properly receive and sell upon evidence of the construction of 150 miles of road. It should be stated, however, that, although the 1,275,579.52 acres lie opposite that portion of the road from Lake City to Pensacola, which was to be constructed by the Pensacola and Georgia Railroad Company, the whole quantity was approved to the State of Florida for the benefit of the road "from Saint John's River, at Jacksonville, to the waters of Escambia Bay, at or near Pensacola."

Whether the State conferred any portion of the said 1,275,579.52 acres upon the Florida, Atlantic and Gulf Central Railroad Company (below referred to), which constructed that portion of the road from Jacksonville to Lake City, is not known to this office; but it is not probable that such action was taken, as the last-named road would only be entitled to a portion of the *indemnity* lands so certified. The vacant unapproved and unselected lands in odd sections within the limits of the withdrawal for this road have not been restored to market for sale or entry.

FLORIDA, ATLANTIC AND GULF CENTRAL.

The company bearing the above name was authorized by the State to construct that portion of the road "from Saint John's River at Jacksonville to the waters of Escambia Bay, at or near Pensacola," which was located from Jacksonville to Lake City, a distance of 59 miles. Said road is believed to be constructed and in operation, but no evidence to that effect is on file in this office or department. The construction of 59 miles of road within the proper period would entitle the State to 226,560 acres of land. Prior to October 6, 1860, 29,384.18 acres were approved to the State for the benefit of this road. No further approvals have been made for the benefit of said road; neither have the unselected or unapproved vacant odd sections within the limits of the grant been restored to sale or entry.

RAILROADS IN LOUISIANA.

VICKSBURG, SHREVEPORT AND TEXAS, NOW NORTH LOUISIANA AND TEXAS.

The grant of this road was by the act of June 3, 1856, and was to aid in the construction of a railroad from the Texas line in the State of Louisiana, west of the town of Greenwood, via Greenwood, Shreveport, and Monroe, to a point on the Mississippi River opposite Vicksburg. The lands granted were the alternate, odd-numbered sections, for six sections in width, on each side of said road; and in case the United States had, when the line of said road was definitely fixed, sold any sections granted as aforesaid, or to which the right of pre-emption had attached, the State was authorized to select from the lands nearest to the tiers of sections granted, but not farther than 15 miles from the line of the road, so much land in alternate sections as would be equal to the lands sold by the United States, or to which the right of pre-emption had attached.

The road was definitely located from the Mississippi River, opposite Vicksburg, to the Texas State line, a distance of 189 miles, in the year 1857. The act required that the road should be completed within ten years. On September 20, 1872, the governor of Louisiana certified to the completion, within the time specified in the granting act, of 94 miles

of said road, to wit, 20 miles extending from the Texas State line to the Red River, at Shreveport, and 74 miles from the Ouachita River, at Monroe, to the Mississippi River, opposite Vicksburg. That portion of the line between Monroe and Shreveport, 95 miles, has never been constructed.

On October 7, 1859, there were certified to the State for the benefit of the said road 353,212.68 acres, and on January 10, 1874, 100,652.76 acres (being a part of the lands theretofore certified and lying opposite the constructed portion of the road) were *recertified* to the State.

All the vacant unselected and unapproved lands in odd sections within the limits of the grant are still withdrawn or reserved for the benefit of said road. The company has recently filed in this office copies of affidavits to the effect that it is now proceeding with the construction of the uncompleted portion of its road as rapidly as possible.

By the same act as that making the grant for the Vicksburg, Shreveport and Texas Road (act of June 3, 1856), a grant identical in its terms was also made to the State of Louisiana to aid in the construction of a railroad from *New Orleans to the State line*, in the direction of Jackson, Miss. This road was never definitely located or constructed. A withdrawal of lands for its benefit was ordered by letter from this office, dated June 16, 1856.

By telegraphic dispatch, dated February 6, 1857, the governor of Louisiana advised this office that he did not think the grant would be accepted. The restoration of the lands which had been withdrawn was ordered July 27, 1857.

RAILROADS IN ARKANSAS.

LITTLE ROCK AND FORT SMITH.

The original grant for this road was by act of Congress approved February 9, 1853, and embraced every alternate section of land designated by even numbers for six sections in width on each side of the road; and in case the United States had, when the line of said road was definitely fixed, sold any section or part of section so granted, or if the right of pre-emption had attached to any of said lands, then the State, through its duly appointed agent or agents, was authorized to select from the lands most contiguous to the lands granted, and within 15 miles from the line of the road, so much land in alternate sections as would be equal to the lands sold by the United States, or to which the right of pre-emption had attached.

In pursuance of this act the road was definitely located from Little Rock to Fort Smith in the year 1855.

The act required the completion of the road within ten years, to wit, by February 9, 1863. No portion of the road was constructed within the time required.

The act of July 28, 1866, reviving and extending the grant, granted all the alternate odd-numbered sections and parts of sections lying along the outer line of lands theretofore granted, and within five miles on each side thereof, excepting lands reserved or otherwise appropriated by law, or to which the right of pre-emption or homestead settlement had attached, with the proviso that the additional quantity of lands granted, when added to the lands theretofore granted, should not exceed ten sections for each mile of railroad. It was provided that if the whole of said road was not completed within ten years from the time when said act should take effect the lands unpatented should revert to the United

States. It was further provided that the said act, so far as the same related to this road, should not take effect until the Secretary of the Interior should make and file a certificate in his office and the office of the secretary of state of Arkansas, stating that the said company had reorganized its board of directors in a lawful manner, &c.

The certificate of the Secretary of the Interior, as above required, was made and filed May 13, 1867, on which date this office holds that the act, so far as it relates to this road, took effect. The road, therefore, should have been completed by May 13, 1877.

The road was fully completed from Little Rock to a point on the Arkansas River, opposite Fort Smith, prior to August, 1876, but as a small portion of the road (1.92 miles) was found to lie within the Indian Territory, the department declined to accept such portion of the road. The Commissioner of Indian Affairs subsequently required the company to remove their road from the Territory. In consequence of this action, 5.73 miles of the road were not completed within the time required by the act. This section of 5.73 miles was accepted by the then Secretary of the Interior February 25, 1879.

This office has always considered and treated this road as having been constructed in time.

On January 9, 1882, you approved two lists containing, respectively, 139,567.37 acres and 720 acres, which, added to the amount heretofore certified and patented, would be sufficient to satisfy the grant. In view, however, of proposed legislation, the land embraced in said lists has not been patented to the company.

IRON MOUNTAIN RAILROAD (IN ARKANSAS).

This grant was made by the second section of the act of July 4, 1866, for the purpose of aiding in the construction of a railroad from the point where the Iron Mountain Railroad intersects the southern boundary of Missouri to a point at or near the town of Helena, Ark., and was of the alternate odd-numbered sections for ten sections in width on each side of the road, with the right to indemnity for any lands, granted as aforesaid, which had been sold or disposed of when the line of said road was definitely fixed; such indemnity lands to be selected from the alternate odd-numbered sections not further than 20 miles from the line of the road.

The act required the completion of the road within five years from the 1st day of July, 1866, or by July 1, 1871.

No portion of the road has ever been definitely located or constructed, nor has any withdrawal of lands been made for its benefit. Consequently no estimate of the number of acres embraced in the grant is submitted.

RAILROADS IN MISSOURI.

IRON MOUNTAIN, NOW SAINT LOUIS, IRON MOUNTAIN AND SOUTHERN.

The grant for this road was by act of Congress approved July 4, 1866, and was of the alternate odd-numbered sections for ten sections in width on each side of the road, with the right to indemnity for any lands so granted which had been sold or disposed of by the United States when the line of the road was definitely fixed, such indemnity to be selected from the lands of the United States nearest to the tiers of sections granted as aforesaid and not more than twenty miles from the line of the road.

The road was required to be constructed within five years from the first day of July, 1866. Under this act the road was definitely located from Pilot Knob, Mo., to the Arkansas State line, in the year 1867.

In the month of January, 1871, the company applied to the department for authority to change the line of its road to a more westerly one.

By letter, dated February 27, 1871, addressed to Thomas Allen, president of the company, the then Secretary of the Interior refused this application, holding that the State and company were concluded by their own acts, and must be held to the original line. On June 8, 1871, the governor of Missouri certified to the completion of twenty consecutive miles of said road from Pilot Knob southwardly, toward the southern boundary of the State. This section of twenty miles was accepted by the department June 19, 1871, and is the only part of said road which was completed within the required period, so far as is known to this office.

In July, 1873, more than two years after the time for completing the road had expired, the company filed a map showing the line of its constructed road. This map showed that the road had been constructed by the more westerly route, being the one which the department had theretofore refused to recognize.

In a letter, dated July 1, 1873, accompanying said map, Mr. Allen, the president of the company, stated that the company claimed title to the lands granted along the line designated on the map therewith filed, by virtue of the construction and completion of the road.

The road as represented on said map was never accepted by the department, and no action other than to place the map and letter on file has been taken in relation thereto.

From Poplar Bluff, Mo., to the south boundary of the State, a distance of about twenty miles, the road is identical with the Cairo and Fulton, now Saint Louis, Iron Mountain and Southern Railroad Company's constructed road, which company having received the grant made to the State of Missouri by acts of February 9, 1853, and July 28, 1866, filed on the 22d of January, 1875, a map of its constructed road in said State. I am advised that the company (Iron Mountain) does not claim the lands granted, and that it has applied to the War Department for relief from the obligations imposed by the granting act. As to these facts, however, this office has no official information. No lands have been certified or patented to the company. Although the company has not for the last eight or nine years asserted its claim to the lands granted, the odd sections within ten miles and both the odd and even sections outside of ten and within twenty miles of the line of its road as definitely located, are withdrawn and reserved for its benefit.

RAILROADS IN MICHIGAN.

DETROIT AND MILWAUKEE AND PORT HURON AND MILWAUKEE.

The grant for these companies was by act of June 3, 1856, and was for a road from Grand Haven to Flint and thence to Port Huron. The lands granted were the alternate odd-numbered sections for six sections in width on each side of the road, and in case when the line of said road was definitely fixed any of the lands granted as above had been sold or disposed of the State was authorized to select in alternate sections, and not further than fifteen miles from the line of the road, so much land as would be equal to the lands so sold or disposed of.

The act required the road to be completed within ten years.

That portion of the grant between Grand Haven and Owasso was conferred by the State upon the Detroit and Milwaukee Railroad Company, and the portion between Owasso and Port Huron upon the Port Huron and Milwaukee Company.

The Detroit and Milwaukee road was definitely located in 1858, and the Port Huron and Milwaukee in 1857.

The grants were subsequently declared forfeited to the State, and were conferred on the

PORT HURON AND LAKE MICHIGAN RAILROAD COMPANY.

The time for completing the road expired June 3, 1866.

On April 13, 1874, the governor of Michigan certified to the completion of 60 continuous miles of the Port Huron and Lake Michigan Railroad. This certificate, however, did not show the time of completion or the location of the portion completed.

I find, however, from certain papers on file, that the portion so completed lies between Lapeer and Port Huron. The road has evidently been fully completed from Grand Haven to Port Huron, although no evidence of such completion, except as to the 60 miles above mentioned, is on file in this office.

There have been certified for the Detroit and Milwaukee 30,998.75 acres, and for the Port Huron and Milwaukee 6,468.68 acres, being practically all the vacant lands in the limits of the grants.

By joint resolution of March 3, 1879, the reversionary interest of the United States in the lands certified for said roads was released to the State of Michigan.

JACKSON, LANSING AND SAGINAW, AND NORTHERN CENTRAL MICHIGAN, FORMERLY AMBOY, LANSING AND TRAVERSE BAY.

This grant was to aid in the construction of a road from Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay, by act of June 3, 1856. The odd sections for six sections in width on each side of the road, were granted, with indemnity from the alternate sections within 15 miles of the line of the road, for any lands lost in the granted limits.

The State conferred the grant upon the Amboy, Lansing and Traverse Bay Railroad Company.

The road was definitely located from Amboy to a point on Little Traverse Bay, in the year 1858.

That portion of the grant which lies north of Michigan avenue, Lansing, was subsequently transferred to the Jackson, Lansing and Saginaw Railroad Company, and the portion south of that point to the Northern Central Michigan Railroad Company.

The act of June 3, 1856, required the entire road to be completed within 10 years. By the act of July 3, 1866, the time for completing the road was extended seven years from June 3, 1866, or until June 3, 1873.

The Amboy, Lansing and Traverse Bay Company had, prior to September 17, 1863, completed 28 miles of its road, extending from Lansing to Owasso.

November 1, 1873, the governor of Michigan certified to the completion of the Northern Central Michigan Railroad from Lansing southward to Jonesville, a distance of 60 miles. The certificate does not show whether the said 60 miles were completed prior to June 3, 1873, or not.

Between Jonesville and Amboy, a distance of about 20 miles, the road has not been built.

The Jackson, Lansing and Saginaw Company had completed its road from Owosso to a point in section 20, township 29 north, range 3 west, Otsego County, Michigan, a distance of 160.10 miles, prior to the expiration of the grant.

June 6, 1876, the governor certified to the completion of an additional section of 9.95 miles, and on January 17, 1882, the completion of $63\frac{26}{100}$ miles terminating at Mackinaw City, was certified to.

The road as constructed is some 50 miles longer than the line as definitely located. This is accounted for by the fact that the company, as authorized by the act of March 3, 1871, changed the northern terminus of its road from Traverse Bay to Mackinaw City, on the Straits of Mackinaw.

It was provided in this act that only the lands embraced within the limits of the grant as the same was originally located under the act of June 3, 1856, should be applicable to aid in building the road.

In the adjustment of this grant, it has been treated as a whole and the lands certified to the State accordingly. The odd sections within the limits of this grant are withdrawn.

MARQUETTE AND ONTONAGON.

The original grant for this road was by act of June 3, 1856, and was to aid in the construction of a railroad from Marquette to Ontonagon. The lands granted were the alternate odd-numbered sections for six sections in width on each side of the road, with indemnity from the alternate sections within fifteen miles of the line of the road. The road was definitely located from Marquette to Ontonagon in 1859.

By the act of March 3, 1865, the grant was increased to ten sections per mile, to be selected from the alternate odd-numbered sections within twenty miles of the line of the road.

The act of June 3, 1856, required the completion of the road within ten years. By act of June 18, 1864, the time was extended five years beyond the time fixed for the completion by the original act, and by joint resolution of May 20, 1868, the time was further extended until December 31, 1872.

The various other acts relating to this road and the effect of the same will be found in the accompanying tabular statement.

The road was constructed from a point on the Bay de Noquet and Marquette Railroad, about 20 miles west of Marquette to L'Anse, a distance of 52 miles, prior to December 31, 1872.

From L'Anse to Ontonagon the road has not been constructed. The odd sections within the 20-mile limits of this grant are still withdrawn for the benefit of the road.

ONTONAGON AND STATE LINE, NOW ONTONAGON AND BRULE RIVER RAILROAD.

The grant for this road was by the act of June 3, 1856, and was for a railroad from Ontonagon to the Wisconsin State line. The grant was of the alternate odd-numbered sections for 6 sections in width on each side of the road, with indemnity to be selected from the alternate sections within 15 miles on each side of the road. The grant was conferred by the State upon the Ontonagon and State Line Railroad Company.

A grant of lands was also made to the State of Michigan by the act

June 3, 1856, to aid in the construction of a road from Marquette to the Wisconsin State line. This grant was conferred by the State upon the Marquette and State Line Railroad Company.

The Ontonagon and State Line and the Marquette and State Line Railroad Companies were subsequently consolidated with the Chicago, Saint Paul and Fond du Lac Railroad Company under the name of the latter.

The rights and franchises of this company were sold under a mortgage sale in 1859, and a new company known as the Chicago and Northwestern Railroad Company was formed by the purchasers.

On April 24, 1862, the board of control of the State of Michigan conferred the grant of lands which had been made for the road from Marquette to the State line upon the Peninsula Railroad Company. This transfer was subsequently confirmed by the State legislature. On October 21, 1864, the Peninsula Railroad Company was consolidated with the Chicago and Northwestern Railroad Company under the latter name. Under the articles of consolidation all the rights, franchises, and property of the Peninsula Railroad Company became vested in the consolidated company. The road from Ontonagon to the Wisconsin line was definitely located in the year 1857. On April 10, 1860, the vacant lands outside of the 6-mile limits of the grant, were directed to be restored to market on June 18, 1860. On December 12, 1861, there were certified of the lands in the 6-mile limits: For the Ontonagon and State Line Railroad, 142,430.23 acres; for the Ontonagon and State Line, and the Marquette and State Line Railroads, 41,649.25 acres; for the Ontonagon and State Line, and the Marquette and Ontonagon Railroads, 68,659.71 acres.

By joint resolution of July 5, 1862 (12 Stat., 620), it was provided that the words "Wisconsin State line" in the act of June 3, 1856, should be construed to authorize the location of the line of road provided for in said act from Marquette to the Wisconsin State line, upon any eligible route from Marquette to the Wisconsin State line, near the mouth of the Menomonee River, touching at favorable points on Green Bay.

The State was further authorized to surrender to the United States all the lands which had been theretofore certified for the benefit of said railroad, and to receive in lieu thereof a like quantity of lands to be selected upon the line as relocated.

Under this resolution the road from Marquette to the Wisconsin State line was relocated, and on May 1, 1868, the governor of Michigan relinquished to the United States the lands which had been certified for the benefit of the Marquette and State Line Railroad Company, for the joint benefit of the Marquette and State Line and the Ontonagon and State Line Railroad Companies, and also for the joint benefit of the Ontonagon and State Line and the Marquette and Ontonagon Railroad Companies, the Chicago and Northwestern Railroad Company having previously released to the State its interest in said lands.

By letter, dated July 13, 1868, addressed to the solicitor of the Chicago and Northwestern Railroad Company, the then Commissioner of this office requested the company and the State to relinquish to the United States the 142,430.23 acres which had been certified for the benefit of the Ontonagon and State Line Railroad Company. On June 17, 1870, the Chicago and Northwestern Railroad Company relinquished to the State of Michigan its interest in said lands, and on August 14, 1870, the governor of said State, acting under the written opinion of the attorney-general of the State, relinquished the same to the United States.

The restoration of said lands was ordered by this office, and notice

thereof was given by the district land officers at Marquette, Mich., June 27, 1873, to take effect August 6, 1873.

In a letter, dated July 10, 1873, addressed to the Secretary of the Interior, the then governor of Michigan claimed that as Congress had never annulled the grant, or the legislature of Michigan authorized the surrender of said lands, their surrender was made without authority of law, and that the lands rightfully belonged to the State of Michigan.

The order for their restoration was thereupon, on July 30, 1873, suspended, and has never been carried into effect.

The time for completing the said road from Ontonagon to the Wisconsin State line expired June 3, 1866. No portion thereof was completed within that time.

On September 17, 1880, the board of control of the State of Michigan, ignoring the release to the United States, declared the grant to the Ontonagon and State Line Railroad Company forfeited to the State, and conferred the same upon the Ontonagon and Brule River Railroad Company.

The action of the board of control was confirmed by the legislature of the State on June 7, 1881.

On February 24, 1882, the governor of Michigan certified to the completion of 20 continuous miles of the Ontonagon and Brule River Railroad, commencing at Ontonagon and running thence southwestwardly by the way of Rockland to a point in section 10, township 50 north, range 38 west.

The question as to whether the title to the relinquished lands along the line of this road is now in the State of Michigan or in the United States, has not been fully determined.

RAILROADS IN IOWA.

SIoux CITY AND SAINT PAUL.

The grant for this road was to the State of Iowa by act of May 12, 1864, to aid in the construction of a railroad from Sioux City, in said State, to the south line of the State of Minnesota at such point as the State might select between the Big Sioux and the West Fork of the Des Moines River, and was of every alternate section of land, designated by odd numbers, for ten sections in width on each side of said road, with a provision for indemnity for lands lost within the granted limits to be taken within 10 additional miles.

The fourth section of the act provided that if the road was not completed within ten years from the date of the acceptance of the grant, the lands should revert to the State, for the purpose of securing the completion of the road, and if the State should not complete the road within five years from the expiration of the ten years aforesaid, then the lands should revert to the United States.

The State accepted the grant April 3, 1866, and conferred it upon the Sioux City and Saint Paul Company, and the company accepted the grant September 20, 1866.

The road was located definitely in 1867, and the line as located was 83 miles 52 rods in length.

On February 4, 1873, the governor certified to the construction of 56½ miles of the road, extending from the Minnesota State line to Lemars, Iowa. No road has been constructed beyond Lemars.

The area of the grant upon a basis of 82 miles of road as given in a

former report of this office was 524,800 acres. The area for 56 $\frac{1}{2}$ miles of road is 360,000 acres.

There have been patented to the State for this company 407,910.21 acres, but it is understood some 85,000 acres have been withheld from the company.

This office is now in correspondence with the governor of Iowa, in pursuance of instructions from you, looking to the reinvestment of the United States with title to the lands patented to said State in excess of the quantity earned by the railroad company.

RAILROADS IN WISCONSIN.

WEST WISCONSIN, FORMERLY LA CROSSE AND MILWAUKEE, AND TOMAH AND SAINT CROIX RAILROADS, KNOWN SINCE AUGUST 8, 1878, AS CHICAGO, SAINT PAUL AND MINNEAPOLIS RAILWAY.

By act of June 3, 1856, a grant was made to Wisconsin to aid in the construction of a railroad from Madison or Columbus, by way of Portage City, to Saint Croix River or Lake, between townships 25 and 31, of every alternate section of land for six sections in width on each side thereof. Madison was selected as the initial point, and the road was definitely located therefrom. By act of May 5, 1864, the grant was increased to ten sections per mile between the town of Tomah and Saint Croix Lake or River, with the usual provision for indemnity, and the time for the completion of the whole road was extended five years from that date.

By joint resolution of July 13, 1868, the time for the completion of the road from Tomah to Lake Saint Croix was extended three years, or until May 5, 1872. The road from Portage to Tomah was certified by the governor as completed January 25, 1869, and from Tomah to Lake Saint Croix April 16, 1872.

That portion of the road between Madison and Portage (39 miles) should have been completed May 5, 1869. The governor on December 16, 1874, certified to its completion in January, 1871.

The estimated area of the grant is 1,305,600 acres. The State has received 842,866 acres; of this amount 40,049.11 acres were certified for the Wisconsin Railroad Farm Mortgage Land Company, under the act of July 27, 1868 (which is amendatory of the act of June 3, 1856), but is properly chargeable against the grant.

There has been no restoration of the lands withdrawn under the act of May 5, 1864.

SAINT CROIX AND LAKE SUPERIOR RAILROAD AND BRANCH TO BAYFIELD, AFTERWARDS THE NORTH WISCONSIN, AND NOW KNOWN AS CHICAGO, SAINT PAUL, MINNEAPOLIS AND OMAHA.

By act of June 3, 1856, there was, among others, a grant made to Wisconsin to aid in the construction of a railroad from a point on Saint Croix River or Lake to the west end of Lake Superior and to Bayfield, to be completed within ten years. By act of May 5, 1864, a new grant was made by which the old was increased from six to ten sections per mile, the time for the completion of the road extended five years from its date, and the State authorized to select a point on the main line for a junction with the Bayfield branch. The usual provision was made for indemnity. No road was constructed under the original grant. The legislature of Wisconsin, by an act approved March 4, 1874, conferred the grant for the road from Lake Saint Croix to Bayfield upon the North Wisconsin Rail-

way Company, and the grant from the junction of the Bayfield branch, as located, upon the Chicago and Northern Pacific Air Line Railway Company. No road has been built by the latter company.

The North Wisconsin company under its original name constructed 80 miles of road, and after its consolidation, on May 26, 1880, with the Chicago, Saint Paul and Minneapolis Railway, under the name of the Chicago, Saint Paul, Minneapolis and Omaha Railway Company, constructed 40 miles more, making 120 miles, all built after the expiration of the time when the road should have been completed.

The constructed road begins in the north half of the northeast quarter of section 20, township 29 north, range 19 west, and is continuous to the southeast quarter of the northwest quarter of section 18, township 43 north, range 7 west.

The estimated area of the grant is 1,498,452.69 acres. The State has received 843,497.56. The area of the grant for 120 miles (constructed road) is 768,000 acres. One hundred and six miles of the road as located are now unconstructed. The lands along the unconstructed road are still reserved from sale or entry.

WISCONSIN CENTRAL, FORMERLY PORTAGE, WINNEBAGO AND SUPERIOR.

The grant for this road was made by act of May 5, 1864, and required that the road should be completed in ten years. The original definite location by way of Ripon and Berlin to Stevens Point, and from thence to Bayfield and Superior, covering a distance of about 367 miles, was authorized by the act of June 21, 1866 (14 Stat., 360). By act of April 9, 1874, the time for the completion of the road was extended until December 31, 1876. By act of March 3, 1875, the company was authorized to straighten the line of its road between Portage City and Stevens Point, but it was provided that no lands south of Stevens Point, which might be found beyond 10 miles from the modified line when located, should go to the company under its grant, but such lands should revert to the United States and become part of the public domain, to be disposed of as other public lands, and that the acceptance of the provisions of the act by the company should be held to be a relinquishment of the same; and further provided that the act should not be construed as increasing the grant, or as granting to the company any lands whatever.

By straightening the line of the road between the points mentioned the length thereof was decreased about 26 miles, leaving the line as thus finally located about 341 miles long.

The estimated area of the grant for 341 miles, after making a deduction because of the proximity of the line to Lake Superior, is 1,800,000 acres. By accepting the act of March 3, 1875, the company lost between Portage City and Stevens Point about 251,680 acres. The road constructed by the company from Portage City, by way of Stevens Point, to Ashland is continuous, and is 257 miles in length. As shown in the accompanying table, 231 miles thereof were built within the life of the grant, and 26 miles were constructed after it had expired.

The area of the grant for 257 miles is 1,644,800 acres, which, decreased by the lands lost between Portage and Stevens Point, leaves 1,393,120 acres. There has been approved to the State for this road 575,844.56 acres. No road has been constructed beyond Ashland.

The lands relinquished by the company in accepting the act of March 3, 1875, have been restored to homestead and pre-emption entry.

There has been no restoration of the lands withdrawn north of Stevens Point.

RAILROADS IN MINNESOTA.

The act of March 3, 1857, granted to the (then) Territory of Minnesota, for the purpose of aiding in the construction of certain railroads therein specified, every alternate section of land designated by odd numbers for six sections in width on each side of each of the roads so authorized. The act provides indemnity for lands within the primary limits of the grant that were sold, pre-empted, or otherwise appropriated prior to the definite location of each road. It also provides that the lands granted to the Territory "shall be subject to the disposal of the legislature thereof, for the purpose aforesaid and no other"; also—

That the lands hereby granted to said Territory or future State shall be disposed of by said Territory or future State only in the manner following, that is to say: That a quantity of land not exceeding 120 sections for each of said roads and branches, and included within a continuous length of 20 miles of each of said roads and branches, may be sold; and when the governor of said Territory or future State shall certify to the Secretary of the Interior that any 20 continuous miles of any of said roads or branches is completed, then another quantity of land hereby granted, not to exceed 120 sections for each of said roads and branches having 20 continuous miles completed as aforesaid, and included within a continuous length of 20 miles of each of such roads or branches, may be sold; and so from time to time until said roads and branches are completed; and if any of said roads or branches is not completed within 10 years no further sale shall be made, and the lands unsold shall revert to the United States.

An act of Congress, approved March 3, 1865, increased the grant for all roads and branches provided for in the act of March 3, 1857, to ten sections per mile, enlarged the limits within which indemnity lands might be taken, provided that said indemnity lands should in all cases be indicated by the Secretary of the Interior. Said act also provided for the *patenting* to the State of all lands selected thereunder, to the extent of ten sections per mile, extending along and opposite sections of 10 consecutive miles (in length) as fast as constructed and the construction certified to by the governor, and that the lands granted by this and prior acts should not be disposed of in any manner, except as the same were patented under the provisions of the act. The time for the completion of the several roads and branches was extended to eight years from the passage of the act, or to March 3, 1873, and in the event of failure to so complete said roads or branches, the lands undisposed of are to revert to the United States.

The following-described roads were provided for in the act (March 3, 1857) first named:

SAINT VINCENT EXTENSION OF SAINT PAUL AND PACIFIC, FORMERLY BRANCH LINE OF SAINT PAUL AND PACIFIC, NOW SAINT PAUL, MINNEAPOLIS AND MANITOBA.

This road was authorized by that portion of the act which provided for a "branch" (of main line Saint Paul and Pacific) "via Saint Cloud and Crow Wing to the navigable waters of the Red River of the North, at such point as the legislature of said State may determine." The northern terminus of said branch was fixed by the legislature of said Territory at Saint Vincent. An act of Congress approved July 12, 1862, authorized a new branch line to extend northeasterly to the waters of Lake Superior, in lieu of that part of the original branch extending "northwesterly from the intersection of the tenth standard parallel with the fourth guide meridian." An act of Congress approved March 3, 1871, provided—

That the Saint Paul and Pacific Railroad Company may so alter its branch lines that instead of constructing a road from Crow Wing to Saint Vincent, and from Saint

Cloud to the waters of Lake Superior, it may locate and construct, in lieu thereof, a line from Crow Wing to Brainerd, to intersect with the Northern Pacific Railroad, and from Saint Cloud to a point of intersection with the line of the original grant at or near Otter Tail or Rush Lake, so as to form a more direct route to Saint Vincent, with the same proportional grant of lands, to be taken in the same manner along said altered lines as is provided for the present lines by existing laws.

Said act also provided for a proper release by said company of all lands along the abandoned line. By an act approved March 3, 1873, the time for the completion of the road from Saint Cloud to Saint Vincent was extended nine months from the time limited by previous acts of Congress, or to December 3, 1873.

An act of Congress, approved June 22, 1874, extended the time for the completion to March 3, 1876, upon certain conditions to be accepted by the officers of the road before the act should become operative. Said conditions were not accepted by the company, and the act has been held by this office and the department to be inoperative.

The road was definitely located November 7, 1871, for a distance of 314 miles, between East Saint Cloud and Saint Vincent; 140 miles were constructed prior to December 3, 1873, and the remaining 174 miles December 23, 1879. It is proper to state, in this connection, that the legislature of Minnesota, by an act approved March 1, 1877, extended the time (so far as the State was concerned) for the completion of the road to January 1, 1881, upon the condition that the company should not, in any manner, directly or indirectly, become seized of any right, title, interest, claim, or demand in or to any parcel of land lying and being within the granted or indemnity limits of the road, to which legal title had not been perfected in the company, upon which any person or persons had, in good faith, settled or acquired valuable improvements thereon prior to the passage of the act. Acceptance of the provisions of the act by the company was to be considered as a relinquishment of all the lands, to the extent of not to exceed 160 acres for each settler, so occupied by actual settlers. I have not been advised of the acceptance of the provision of said act by the company. Up to the present time 1,174,330.03 acres have been patented to the State for the benefit of the road. No portion of said amount (lands) was patented in advance of the construction of 10 miles opposite thereto. The whole road has been accepted by the department. (See Secretary's decision, June 10, 1880, General Land Office Report for that year, page 124.)

WESTERN RAILROAD, FORMERLY BRAINERD BRANCH SAINT PAUL AND PACIFIC.

This road was authorized by that portion of the act providing for a "branch" (of main line Saint Paul and Pacific) "via Saint Cloud and Crow Wing, to the navigable waters of the Red River of the North, at such point as the legislature of said State may determine," and embraced that portion of the original Saint Vincent branch located from near Saint Cloud (Watab) to Crow Wing, together with a "line from Crow Wing to Brainerd to intersect with the Northern Pacific Railroad," authorized by the act of March 3, 1871, which also provided for the same proportional grant of lands, to be taken in the same manner as provided in the acts of March 3, 1857, and March 3, 1865, as above quoted. The act of March 3, 1873, extended the time for the completion of the road until December 3, 1873.

The act of June 22, 1874, referred to in connection with the Saint Vincent road, also applied to the Western Railroad, but is inoperative for the same reason as stated in said connection. The act of the legislature of Minnesota approved March 1, 1877, and above referred to, also em

braced the Western Railroad in its provisions, and extended the time for completion to March 1, 1878. The road as definitely located from Watab to Brainerd covered a distance of 54.21 miles, which was completed January 1, 1878; 16.13 miles of the road as located is within the Fort Ripley military reservation, and therefore the State is not entitled to any grant of land for said portion of the road. (See opinion of Attorney-General in annual report of this office for 1881, pages 158 to 163, inclusive.) The State would be entitled to lands opposite 38.08 miles of road, or 243,712 acres, of which amount 121,462.31 acres were patented to the State April 11, 1879. Of this amount 12,346.24 acres lying within the Fort Ripley military reservation and erroneously patented have been relinquished by the State and company to the United States. The State and company have also relinquished 9,177.99 acres of said patented lands in favor of actual settlers, as provided by the act of legislature of March 1, 1877, hereinbefore referred to. Congress has not, however, authorized the acceptance of said release.

An act of Congress, approved July 4, 1866, granted to the State of Minnesota, to aid in the construction of certain railroads below named, every alternate section of land designated by odd numbers to the *amount of five alternate sections per mile on each side of said river.**

Indemnity was provided by the act for such lands as the United States had sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or pre-emption had attached prior to the definite location of each road. The lands granted were to be subject to the disposal of the legislature of Minnesota, for the purposes indicated by the act, and in no other way. Upon the completion of any section of 10 consecutive miles, patents are to issue for all the lands in alternate sections, designated by odd numbers, situated within twenty miles of the road so completed, and lying coterminous to said completed section of 10 miles, for the benefit of the road completing said section. The coterminous principle does not extend to such lands as may be taken to make up deficiencies, and no land to make up such deficiencies can be taken within 10 miles of the line of said roads. The roads authorized by the act were to be completed within ten years from the acceptance of the grant, failing which, the lands granted and not patented "shall revert to the United States."

THE SOUTHERN MINNESOTA RAILWAY EXTENSION

was authorized by that portion of the act which provided for a road "from Houston, in the county of Houston, through the counties of Fillmore, Mower, Freeborn, and Faribault, to the western boundary of the State," the grant having been accepted by the legislature of the State of Minnesota February 25, 1867, and conferred upon the Southern Minnesota Railroad Company, and subsequently upon the Southern Minnesota Railway Extension Company.

The road should have been completed by the first company chartered by the State, but as said company only completed the line from Houston to Winnebago City, a distance of $149\frac{1}{4}$ miles, prior to February 25, 1877, the State, by act of legislature approved March 6, 1878, conferred the privileges appertaining to the uncompleted portion of the line upon the Southern Minnesota Railway Extension Company, under certain conditions, among others that the road should be constructed to Jackson, in Jackson County, before the end of the year 1879, and to

* This grant is a grant of "quantity" as distinguished from a grant of "lands in place."

the west line of the State before the end of the year 1880. The road was constructed to the west boundary of the State by December 8, 1879, although the line, as constructed, deviated from the located line to a considerable extent, but only to such extent as was necessary to make it conform to the requirements of the act of State legislature. The matter of deviation from located line, and a complete history of the grant, together with the acceptance by the Secretary of the Interior of the line as constructed for 43 miles beyond Winnebago City, and a decision by the Secretary of the Interior that the grant was earned to the extent of the miles constructed, is fully shown in the annual report of this office for 1880, pages 116 to 118, inclusive. That portion of the line beyond the point (near Jackson City) above referred to was accepted by the Secretary of the Interior March 26, 1880, in a letter of that date addressed to this office, in which he also decided that the State of Minnesota was entitled to the land granted and earned, and directed the adjustment of the grant accordingly.

HASTINGS AND DAKOTA.

This road was authorized by that portion of the act of July 4, 1866, which provided for a road—

From Hastings, through the counties of Dakota, Scott, Carver, and McLeod, to such point on the western boundary of the State as the legislature of the State may determine.

This grant was accepted by the State March 7, 1867. Prior to that time the governor of the State had approved a map of definite location fixing the western terminus of the road (which was not changed materially by the legislature), and on June 26, 1867, said map was approved by the Secretary of the Interior. The road as constructed is 202.1 miles in length, and was completed December 15, 1879. Certain modifications and adjustments were made to carry the construction of the road through several towns named in the act of acceptance. All departures in construction from the located line have, however, been approved by the department (see letter of Secretary of the Interior, dated April 17, 1880, on page 123 of annual report of this office for 1880), and this office directed to certify the lands in satisfaction of the grant. The State is entitled under the grant "to the amount of" 1,293,400 acres of land, if so much can be found vacant and unappropriated within the limits of the grant. Up to the present time but 312,770.27 acres have been conveyed to the State for the benefit of said road.

LAKE SUPERIOR AND MISSISSIPPI.

By the act of May 5, 1864, a grant was made to the State of Minnesota for a road "from the city of Saint Paul to the head of Lake Superior," of every alternate section of land designated by odd numbers to the amount of five alternate sections per mile on each side of the said railroad on the line thereof. The usual provision was made for indemnity lands, to be selected within twenty miles from the line of road. The act provides that upon certification by the governor of the State of the completion of any 20 miles of the road, patents shall be issued for the amount of land coterminous with the completed section, to which the State is entitled under the act; that the land shall be subject to disposal by the State for the purpose indicated by the act, and no other; also, that if the road is not completed within eight years from the date of the act, "no further patent shall be issued for said lands, and no further sale shall be made, and the lands unsold shall revert to the United States."

An act of July 13, 1866, provided that if when the line of the road

was located it should be found that the quantity of land intended to be granted by the act of May 5, 1864, was deficient by reason of the line thereof running near the boundary-line of the State, the company should be entitled—

To take from other public lands of the United States within 30 miles of the west line of said road such an amount of lands as shall make up such deficiency: *Provided*, That the same shall be taken in alternate odd sections, as provided for in said act.

The road as located is 154.42 miles in length, and it was completed February 28, 1873, instead of May 5, 1872, as required by the act. The quantity of land granted by the act is 988,288 acres, provided so much can be found vacant and unappropriated within the limits of the grant. Up to the present time 860,564 acres have been approved to the State for the benefit of said road. The road as constructed has been accepted by the department.

An act of Congress approved July 13, 1866, granted indemnity lands to the State of Minnesota in lieu of lands theretofore granted for the purpose of aiding in the construction of railroads that the United States might have sold or disposed of after the definite location of the road and prior to the withdrawal of said lands from sale. It was provided, however, that such grant should not be so construed as to diminish the quantity of lands previously granted to aid in the construction of the Lake Superior and Mississippi Railroad. Section 3 of the act provides for the *certification* of lands to the State.*

Also that—

On the completion of any 10 miles of road the State may sell one-half the quantity of lands which said State is authorized to dispose of on the completion of 20 miles.

It will be observed that sections 1, 3, and 4 of said act apply to all previous grants. No restoration of lands withdrawn and reserved for the benefit of railroads in the State of Minnesota has been made.

In several instances I have stated that by the construction of a certain number of miles of road a State would be entitled to a certain number of acres of land.

In estimating such number of acres I have simply multiplied the number of miles constructed by the number of sections per mile granted, and have not added to that amount the 120 sections or 76,800 acres authorized by several of the acts referred to to be sold in advance of the construction of any portion of the road, preferring to leave the matter of determining how much land shall revert to the United States, in case of forfeiture of a grant, to Congress.

This completes the statement of all facts deemed pertinent relative to grants of land made to States to aid in the construction of railroads.

CORPORATIONS.

The estimate of the areas within the limits of these grants herewith submitted, unless otherwise stated, embraces all the odd-numbered sections within the limits fixed by the granting acts as laid down upon the maps and diagrams in this office. Except where the area of the grant has been ascertained by actual examination of the records as stated, the amount given is without deduction for Indian or other reservations, overlapping grants, or other causes which operate to except land from the grants.

*The act of March 3, 1865, provides for patenting lands to the State.

Owing to sinuosities in the lines of these roads the quantities given are less than would be obtained by multiplying the number of sections granted per mile by the number of miles of road. The latter amount cannot be acquired under any grant restricted to lateral limits unless the road is practically a straight line.

NORTHERN PACIFIC RAILROAD COMPANY.

By the act of Congress approved July 2, 1864 (13 Stat., p. 365) lands were granted to aid this company in the construction of a railroad from a point on Lake Superior to Puget Sound, with a branch via the Valley of the Columbia River to a point at or near Portland, Oreg. The grant is of every alternate odd-numbered section to the amount of twenty alternate sections per mile on each side of the road where the line passes through the Territories, and ten alternate sections per mile on each side where it passes through States, excluding mineral lands, and lands reserved, sold, granted, or otherwise appropriated, or to which homestead, pre-emption, or other rights shall have attached at the date of filing of maps of definite location of the road in this office. Provision is made for indemnifying the company for lands lost to the grant by sale, reservation, homestead, and pre-emption settlements, or other disposition thereof, prior to the filing of such maps, out of alternate odd-numbered sections not more than 10 miles beyond the limits of the sections granted. The indemnity limits were extended 10 miles further on each side by joint resolution of May 31, 1870 (16 Stat., p. 378).

The grant is upon certain conditions, one being that the company should complete the entire road by the 4th day of July, 1876.

The second section of the joint resolution approved May 7, 1877 (14 Stat., p. 355), extended the time, for the completion of the road, two years.

The joint resolution approved July 1, 1868 (15 Stat., p. 255), amended the granting act, so as to require the completion of the entire road by July 4, 1877. Under date of June 11, 1879, the Secretary of the Interior held that the effect of the resolutions here cited was to extend the time for the completion of the road to July 4, 1879 (see General Land Office Report for 1879, p. 109 to 111).

The road, as definitely located or proposed, extends from the mouth of the Montreal River in Wisconsin to the headwaters of Puget Sound, in Washington Territory, an estimated distance of 2,055 miles. The length of the branch as estimated is 215 miles.

Maps on file in this office show that the road has been constructed as follows: From Northern Pacific Railroad Junction, in Minnesota, about 23 miles southwest of Duluth to a point on the east bank of the Yellowstone River, in Montana, a distance of 675 miles; from Wallula, Wash., northeastwardly to a point near Lake Pend d'Oreille, in Idaho, 225 miles, and from Kalama, Wash., northward to Tacoma on the headwaters of Puget Sound, 106 miles, making the total amount constructed 1,006 miles.

For detailed information respecting the length of the road in each of the several States and Territories through which the line passes; the estimated area of land embraced within the limits of the grant; number of miles constructed and uncompleted at the date fixed (July 4, 1879, see decision of Secretary Schurz before referred to) for completion of the entire road, as well as at the present time, and the number of acres patented to the company, reference is made to the accompanying tabulated statement.

CALIFORNIA AND OREGON RAILROAD COMPANY.

A grant of lands in aid of the construction of that portion of a road from the Central Pacific Railroad, in California, to Portland, Oreg., to be constructed in California, was made to this company by the act of Congress approved July 25, 1866 (14 Stat., p. 239).

The grant is of every odd-numbered alternate section of the public lands, not mineral, to the amount of twenty alternate sections per mile (ten on each side) of said railroad line. Provision is made for indemnity for any land within said limits lost to the grant by other grants, sales, reservations, homestead, pre-emption, or other claims, out of alternate odd-numbered sections nearest to and not more than 10 miles from the limits of the sections granted.

This act required the completion of the entire road on or before July 1, 1875.

By the act of June 25, 1868 (15 Stat., p. 80), the time for completing the road was extended to July 1, 1880. The estimated length of the line in California is 288 miles, of which the company constructed 152 miles, from a junction with the Central Pacific Railroad to Redding, prior to the time fixed for completing the road. No evidence of construction beyond Redding has been furnished this office.

This road is now known as the Oregon Branch of the Central Pacific Railroad.

OREGON CENTRAL RAILROAD COMPANY, NOW OREGON AND CALIFORNIA RAILROAD COMPANY.

The act approved July 25, 1866 (14 Stat., p. 239), made a grant of lands to aid in the construction of a railroad from the Central Pacific Railroad in California to Portland, Oreg. It provided that that portion of the road in Oregon should be built by, and the grant for the same conferred upon, such company as the legislature of said State should designate. This company was so designated.

The grant is of every alternate section of the public lands, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile (ten on each side) of said railroad line. Indemnity is provided for lands lost to the grant by other grants, sales, reservations, homestead, pre-emption, or other claims out of alternate odd-numbered sections nearest to and not more than 10 miles from the limits of the sections granted. The act required the completion of the entire road on or before July 1, 1875. By the act of June 25, 1868, the time for completing the road was extended to July 1, 1880.

The estimated length of the line in Oregon is 315 miles. Prior to July 1, 1880, 197 miles of road, from Portland to Roseburg, were constructed. No evidence of further construction has been furnished this office.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

By the act of Congress approved July 27, 1866 (14 Stat., p. 292), lands were granted to this company to aid in the construction of a railroad from a point at or near the town of Springfield, in Missouri, to the Pacific coast, with a branch from the point at which the road strikes the Canadian River eastwardly to a point in the western boundary of the State of Arkansas at or near the town of Van Buren.

The grant is of every alternate section of the public land designated by odd numbers, to the amount of twenty alternate sections per mile,

on each side of the line of the road through the Territories, and ten alternate sections per mile on each side when the road passes through States, excepting mineral lands, and lands sold, otherwise granted or appropriated, or to which pre-emption or other claims shall have attached at the time the line of said road is designated by a map thereof filed in this office. Indemnity is provided out of alternate odd-numbered sections, not more than 10 miles beyond the limits of the sections granted, for lands lost within the granted limits by reason of grants, sales, reservations, homestead, pre-emption, and other claims, prior to the filing of the map of the line of the road.

The third section of the act provides—

That if said route [Atlantic and Pacific] shall be found upon the line of any other railroad route, to aid in the construction of which lands have been heretofore granted by the United States, as far as the routes are upon the same general line, the amount of land heretofore granted shall be deducted from the amount granted by this act; [also] that the railroad company receiving the previous grant of land may assign their interest to said "Atlantic and Pacific Railroad Company," or may consolidate, confederate, and associate with said company upon the terms named in the first and seventeenth sections of this act.

The Atlantic and Pacific consolidated with the Pacific and Southwestern Branch Railroad (a railroad authorized by act of June 10, 1852, from Saint Louis to the west boundary of Missouri), as to that portion of the road from Springfield to the west boundary of Missouri.

The whole of the main line was required to be completed by July 4, 1878. No time was fixed for the completion of the branch.

The length of the main line is estimated at 2,126 miles and the branch at 300, making in all 2,426 miles.

Prior to July 4, 1878, the road had been completed and accepted from Springfield, Mo., to Vinita, Ind. T., a distance of 125 miles; that portion between Springfield and Pierce City, Mo., being constructed by the Pacific and Southwestern Branch Railroad Company. Since that date 200 miles of road from a point near Isleta, N. Mex., to a point in Arizona, has been completed and accepted.

The first section of this portion of the road was accepted, and patent issued for 23,037.36 acres along said section, in accordance with the opinion of the Attorney-General, dated October 26, 1880 (Opinions of Attorneys General, vol. 16, p. 572).

It is understood that this company has completed and is now operating its road a distance of 150 miles west of the point in Arizona last mentioned, but no official evidence of such construction has reached this office. In addition to this it is claimed that the road has been graded a long distance beyond the terminus of this constructed road, but of course this office is without official evidence of this fact.

SOUTHERN PACIFIC RAILROAD COMPANY.

By section 18 of the act of July 27, 1866 (14 Stat., p. 292), granting lands to the Atlantic and Pacific Railroad Company, this company was authorized to connect with said company at such point near the boundary of California as they should deem most suitable for a railroad line to San Francisco.

To aid in the construction of such railroad it was enacted that this company should have grants of land similar to those to said Atlantic and Pacific Railroad Company, subject to all the conditions and limitations of said grants, with the same requirements as to time and manner of construction.

The grant, therefore, is to the amount of ten alternate odd-numbered sections per mile on each side of said road, with the same exceptions and the same provisions for indemnity as in the grant for the Atlantic and Pacific Railroad above recited. The road was also required to be completed by July 4, 1878.

The length of this road is estimated at 522 miles. Of this 232 miles were constructed and accepted prior to July 4, 1878, as follows: From San José southward to Tres Pinos, 50 miles, and from Huron east to Goshen and southeasterly to Mojave, 182 miles.

This office has no evidence of the construction of any portion of this road between San Francisco and San José, Tres Pinos and Huron, and Mojave and the State line, 290 miles in all.

It is understood that at San José a connection for San Francisco is made with another road over practically the same route.

OREGON CENTRAL RAILROAD COMPANY.

The act of May 4, 1870 (16 Stat., p. 94), made a grant of lands to aid this company in the construction of a railroad from Portland to Astoria, in Oregon, with a branch from a point near Forest Grove to the Yamhill River, near McMinville.

The grant is of each alternate section of the public lands, designated by odd numbers, nearest to said road, to the amount of ten alternate sections per mile on each side thereof. Mineral lands, and lands otherwise reserved or held by valid pre-emption or homestead rights at the date of the grant, are excepted. It is provided that in case the quantity of ten full sections per mile cannot be found on each side of the road, other lands, designated as aforesaid, on either side of any part of said road nearest to and not more than 25 miles from the track thereof may be selected to make up such deficiency.

The entire road was to be completed within six years from the passage of this act.

The length of the main line is estimated at 122 miles, and the branch 22½, making a total of 144½ miles. Prior to the time fixed for the completion of the road 25 miles of the main line west of Portland and the entire branch line were constructed and accepted. No proof of the construction of any other portion of this road has been filed in this office.

The limits of this grant are partly in Washington Territory. No lands have been withdrawn for the grant in said Territory, and under date of December 20, 1877, the Secretary of the Interior declined a request for an order for such withdrawal, for the reason that the time fixed by the granting act for the completion of the road had expired and the greater part of the road was uncompleted. For this reason no estimate of the area embraced in the limits in Washington Territory has been made.

TEXAS PACIFIC RAILROAD COMPANY, NOW THE TEXAS AND PACIFIC RAILWAY COMPANY.

By the act of Congress approved March 3, 1871 (16 Stat., p. 573), a grant of lands was made to this company to aid in the construction of a railroad from a point at or near Marshall, Tex., to San Diego, Cal.

The grant is of every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile on each side of the line as adopted by the company through the territories of the United States, and ten alternate sections per mile

on each side of the line in California. Exception is made of lands sold, reserved, or otherwise disposed of, and lands to which a pre-emption or homestead claim may have attached at the time the line of the road is definitely fixed. Indemnity is provided for lands thus lost to the grant out of alternate odd-numbered sections not more than ten miles from the limits of the sections granted. Provision is also made for indemnity for lands lost by reason of the near approach of the line of the road to the boundary of Mexico, and also for mineral lands excluded from the grant out of odd-numbered sections nearest the line of the road.

The company was required to commence the construction of its road simultaneously at San Diego, Cal., and from a point at or near Marshall, Tex., and to complete the entire road within ten years after the passage of the act. The act, approved May 2, 1872 (17 Stat., p. 59), required that the road be so commenced and constructed as to secure the completion of the entire road between the points above named within ten years after the passage of said act. This extended the time for completion to May 2, 1882, and the grant is not strictly within the class to which the resolution now before me applies; but in view of the failure of the company to construct any part of its road eastward from San Diego, I have decided to submit the facts in the matter.

The length of the entire line is estimated at 1,483 miles. Proof of the construction of 181 miles of this road in Texas has been furnished, but no evidence of construction beyond that has reached this office.

From the western boundary of Arizona to the western boundary of Texas the Southern Pacific Railroad Company, having no land grant, has built and is operating a road almost entirely within the limits of the grant to the Texas Pacific Railroad Company, and for the greater portion of the distance practically on the line adopted by the Texas Pacific Company.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD COMPANY,
NOW NEW ORLEANS PACIFIC RAILWAY COMPANY.

By section 22 of the act approved March 3, 1871 (16 Stat., p. 573), granting lands to the Texas Pacific Railroad Company, this company was granted the same number of alternate sections of public lands in Louisiana as were by that act granted in California to said Texas Pacific Railroad Company (to the amount of ten alternate odd-numbered sections per mile), on each side of the line of the road.

The company was required to complete its road within five years from the passage of the act. The estimated length of the line of the road is 318 miles. No evidence of the completion of any portion of this road within the time required by law has been furnished.

Other information respecting the grants to corporations above described appears in the tabulated statement herewith transmitted.

All roads not herein before mentioned are believed to have been constructed within the statutory period.

The following statement completes the information asked for by the resolution :

COSTS OF SURVEYING, SELECTING, AND CONVEYING LANDS GRANTED
TO AID IN THE CONSTRUCTION OF RAILROADS.

By the act of Congress approved July 1, 1864 (13 Stat., p. 335), as revised, paragraph 7, section 2238 Revised Statutes, fees to be paid the

registers and receivers upon selections of lands under grants for railroad purposes were fixed.

Such fees have been paid on all selections forwarded to this office since July 1, 1864, the same having been fully collected by registers and receivers upon presentation of each list of selections.

A proviso in the act making appropriations for sundry civil expenses of the government, approved July 15, 1870 (16 Stat., p. 305), declares that before any land granted to the Northern Pacific Railroad Company shall be conveyed to any party entitled thereto under the grant, the cost of surveying, selecting, and conveying the same shall be paid by the company or party in interest.

The act making appropriations for the same purpose, approved July 31, 1876, contained the following proviso:

That before any land granted to any railroad company by the United States shall be conveyed to such company, or any persons entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall be first paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by said company or persons in interest (19 Stat., p. 121).

Being in an act making appropriations, the proviso of July 15, 1870, requiring the Northern Pacific Company to pay the costs of surveying and conveying lands granted to it escaped the attention of the branch of this office then charged with the adjustment of railroad grants, and I find no reference to it in the records until 1874. By letter of May 27, 1874, the resident attorney of said company was informed that no more patents would issue to the company until the expense of surveying and patenting 743,493.44 acres of land in Minnesota, for which patents had issued in 1873, should be paid.

The amount due from the company for the expense of surveying said land is \$26,020.53; expense of conveying same, \$161.85; making a total of \$26,182.38.

It is understood that at the next session of Congress, after the date of said letter, the company sought relief from the payment of the cost of surveying, &c., and this may account for the fact that no further action was taken in the premises.

With the exception of one for 3,016.80 acres in Washington Territory, issued April 8, 1880 (upon which all costs were paid), no patents have issued to said company since May 27, 1874.

The provision in the act of 1876, making appropriations as stated, also escaped notice until 1878, when attention was called to it in connection with an application for patents to the Southern Pacific Railroad of California. The matter was presented to the department October 26, 1878, with an opinion that said company was exempt from the operation of this requirement so far as lands earned by construction prior to July 31, 1876, were concerned. In his decision of February 20, 1879 (Annual Report General Land Office for 1879, p. 115), your predecessor overruled this opinion.

Pursuant to this decision, on March 12, 1879, a demand was made upon the resident attorney of said company for the payment of the expense of surveying and conveying 230,500.30 acres, patented October 20, 1877. To this the attorney replied, on the 14th of the same month, that he had advised the officers of the company of the demand and would communicate their answer as soon as received. No response by the company has reached this office.

I find that said company is indebted to the government for costs of

surveying and conveying lands embraced in several smaller patents, for which no demand appears to have been made.

The amount due from said company is as follows:

Expense of surveying 320 acres in patent No. 8, dated September 30, 1876.....	\$14 40	
Expense of conveying same.....	1 90	\$16 30
Expense of surveying 22,600.48 acres in patent No. 9, dated February 27, 1877.....	1,017 02	
Expense of conveying same.....	4 80	1,021 82
Expense of surveying 230,500.30 acres in patent No. 10, dated October 20, 1877.....	10,718 52	
Expense of conveying same.....	26 30	10,744 82
Expense of surveying 40 acres in patent No. 11, dated January 31, 1878.....	1 80	
Expense of conveying same.....	2 50	4 30
Total amount due.....		11,787 24

The following amounts are due from the Central Pacific Railroad Company as successor to the California and Oregon Railroad Company. I find no record of any demand made therefor:

Expense of conveying 45,282.79 acres in patent No. 4, dated April 19, 1877.....	\$11 75	
Expense of surveying 238.26 acres in patent No. 5, dated May 21, 1877.....	\$10 72	
Expense of conveying same and 320 acres additional in same patent (surveys paid for).....	2 60	13 32
Expense of surveying 10,904.62 acres in patent No. 6, dated February 28, 1878.....	490 70	
Expense of conveying same.....	4 20	494 90
Total amount due.....		519 97

The Oregon and California Railroad Company are also indebted to the government for the expense of surveying 86,622.17 acres of land embraced in patent No. 5, dated June 18, 1877, \$3,940.15, and expense of conveying the same, \$26—making the total indebtedness \$3,966.15, for which no demand appears to have been made.

For reference, the amounts above given are here tabulated:

Name of company.	Amount due for expense of surveys.	Amount due for conveying lands.	Total amount due from each company.
Northern Pacific	\$26,020 53	\$161 85	\$26,182 38
Southern Pacific	11,751 74	35 50	11,787 24
Central Pacific, successor, &c.....	501 42	18 55	519 97
Oregon and California	3,940 15	26 00	3,966 15
Aggregate indebtedness.....	42,213 84	241 90	42,455 74

It will be observed that in the case of the three companies last referred to the patents were all issued prior to the decision of your predecessor upon the act of 1876.

The failure to make and renew demands for payment was undoubtedly an oversight and due to the great pressure of business which has always

existed in the division of this office charged with the adjustment of these grants. Now that the facts are brought to my attention, demands will be made for the several amounts due, and the result promptly reported to the department.

The proviso in the act of 1876, before quoted, applies to all the "corporations" herein named, but the above are the only ones to which patents have issued that have failed to reimburse the government for the expense of surveying and patenting lands.

In conclusion, I have to state that the information asked for by the resolution covered a wide range of subjects, and that to answer the same satisfactorily has required the unremitting labor of all the available clerks in the railroad division for the past forty days. The delay has been caused almost entirely by the failure on the part of this office in the past, at the time when land grants to aid in the construction of railroads were first extensively made, to adopt and perfect a comprehensive system of procuring and keeping in a concise and convenient form all matters of information relative to each particular grant. It has been necessary, in collecting much of the information here presented, to examine correspondence relative to a particular grant, covering a period of twenty-five years; also to measure, in almost every case, the line of definite location of a road in order to determine its length "as located," because of failure on the part of railroad companies to state the length of road, and because such information was not necessary to this office in the adjustment of a grant, and had not therefore been previously ascertained. In order to determine what roads had not been completed in the time named in the granting acts and amendments thereto, it was necessary to examine *every* grant made to a State or corporation, such fact, like the preceding one referred to, not being a necessary concomitant in the adjustment of a grant since the *Schulenberg vs. Harriman* case, hereinbefore referred to.

For many years past the majority of the force of the railroad division of this office has been engaged in the settlement of contests between settlers and railroad companies, and the increase of that class of cases has been so rapid, the rulings of the executive and judicial departments of the government so diversified, and new legislative acts relative to land grants so numerous, that but a small portion of the division could have been assigned to the adjustment of railroad grants without detriment to the interests of settlers, which have been considered paramount to others in conducting the business. When it is understood that to properly adjust all the grants in question the status of each 40-acre tract must be examined and determined; that there are not only hundreds of thousands but millions of said tracts, and that the status of many tracts involves not one but many questions of law, the magnitude of the work to be performed will be apparent.

The interests of settlers within the limits of these grants, the interests of the railroad companies and those of the people of the United States, demand that these grants should be adjusted at the earliest possible date and the lands now withdrawn not needed to satisfy grants restored to entry, and that the proper force of competent clerks should be provided for such purpose.

The resolution does not call for any copies of papers or correspondence bearing upon the subject therein involved, consequently none have been prepared. Of course there is on file and of record a vast amount of correspondence pertaining to the business of these various railroad companies, and their controversies with individual settlers. To give copies of

the same would require a long time and indefinitely postpone this report. If, however, Congress should desire and designate copies of any such correspondence, they will be furnished.

The resolution is herewith returned.

Very respectfully,

N. C. MCFARLAND,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.
H. Ex. 144—3

A.—Statement showing States and corporations to which grants have been made to aid in the

STATES.

Names of States to which grants have been made.	Date of act making grant and acts supplemental thereto.	Statutes.	Page.	Time in years within which road was to be completed.	Date of act extending period within which road was to be completed.	Time allowed by or number of years allowed from date of amendatory act.	Date when road should have been completed.	Date when road was completed.	Name of railroad.
Miss.	Aug. 11, '56	11	30	10	.....	.....	Aug. 11, '66	.....	Gulf and Ship Islands.
	Aug. 11, '56	11	30	10	.....	.....	Aug. 11, '66	.....	Tuscaloosa and Mobile (from Meridian to the Alabama State line). ^b
	Aug. 11, '56	11	30	10	.....	.....	Aug. 11, '66	.....	Mobile and New Orleans. ^c
Ala. .	Aug. 11, '56	11	30	10	.....	.....	Aug. 11, '66	.....	do
Ala. .	Aug. 11, '56	11	30	10	.....	.....	Aug. 11, '66	.....	do
	June 3, '56	11	17	10	.....	.....	June 3, '66	.....	Coosa and Tennessee
	June 3, '56	11	17	10	.....	.....	June 3, '66	.....	Coosa and Chattooga. ^d
	June 3, '56	11	17	10	.....	.....	June 3, '66	.....	Elyton and Beard's Bluff. ^e
	June 3, '56	11	17	10	.....	.....	June 3, '66	.....	Memphis and Charleston. ^f
	June 3, '56	11	17	10	.....	.....	June 3, '66	.....	Mobile and Girard. ^g
	June 3, '56	11	17	10	.....	.....	June 3, '66	.....	Selma, Rome and Dalton, formerly Alabama and Tennessee. ^h
	May 23, '72	17	159	.....	.....	.....	.....	.....	Savannah and Albany. ⁱ
Fla. .	Mar. 3, '57	11	195	10	.....	.....	Mar. 3, '67	.....	Atlantic, Gulf and West India Transit, formerly Florida Railroad.
	May 17, '56	11	15	10	.....	.....	May 17, '66	.....	Pensacola and Georgia (Lake City to Pensacola). ^j
	May 17, '56	11	15	10	.....	.....	May 17, '66	.....	Florida, Atlantic and Gulf Central (Jacksonville to Lake City). ^k
La. . .	June 3, '56	11	18	10	.....	.....	June 3, '66	.....	North Louisiana and Texas, formerly Vicksburg, Shreveport and Texas.
	June 3, '56	11	18	10	.....	.....	June 3, '66	.....	Railroad from New Orleans to the State line in the direction of Jackson, Miss. ^l
Ark. .	Feb. 9, '53	10	155	10	.....	.....	.....	.....	Little Rock and Fort Smith. ^m
	July 28, '66	14	338	.....	July 28, '66	10 years from date act took effect.	May 13, '77	Feb. 17, '79	.....
	Apr. 10, '69	16	46	.....	.....	.....	.....	.....	.....
	Mar. 8, '70	16	76	.....	.....	.....	.....	.....	.....
	July 4, '66	14	83	(*)	.....	.....	July 1, '71	.....	Iron Mountain m.
Mo. . .	July 4, '66	14	83	(*)	.....	.....	July 1, '71	June 17, '73	Iron Mountain, now Saint Louis, Iron Mountain and Southern. ⁿ
	June 3, '56	11	21	10	.....	.....	June 3, '66	.....	Detroit and Milwaukee (Grand Haven to Owasso). ^o
	Mar. 3, '79	20	490	.....	.....	.....	June 3, '66	.....	Port Huron and Milwaukee (Owasso to Port Huron). ^p
	June 3, '56	11	21	10	.....	.....	June 3, '66	.....	Jackson, Lansing and Saginaw (north of Lansing), and Northern Central Michigan (south of Lansing), formerly Amboy, Lansing and Traverse Bay. ^q
	Mar. 2, '67	14	425	.....	.....	.....	.....	.....	.....
	Mar. 3, '71	16	586	.....	.....	.....	.....	.....	.....

*5 years from July 1, 1866.

construction of railroads which have not been completed within the time required by law.

STATES.

Length in miles as definitely located.	Number of miles of road completed before expiration of grant.	Number of miles of road completed after expiration of grant.	Number of miles of road uncompleted at date when road should have been completed.	Number of miles of road now uncompleted.	Number of sections, irrespective of area, per section, granted for each mile of road.	Approximate estimate of the number of acres so granted.	Number of sections containing 640 acres granted for each mile of road.	Estimated quantity of land (in acres) embraced in the limits of the grant.	Lands transferred to the grantees by certification of approved lists, or by patent, as the case may be, in acres.
170	None.	None.	170	170	6	652, 800			None.
	None.	None.			6				None.
	None.	None.			6				None.
	None.	None.			6				None.
36½	None.	None.			6	140, 160			67, 784. 96
37½	None.	None.			6	144, 000			None.
	None.	None.			6				None.
	None.	None.			6				None.
223. 6					6	858, 624			504, 145. 86
167. 35	100	43. 93	67. 35	23. 42	6	641, 285			457, 215. 37
	None.	None.			6				None.
305	155	44. 88	150	105. 12	6	1, 171, 200			290, 183. 28
					6				
307					6	1, 178, 880			1, 275, 579. 52
					6				
59					6	226, 560			29, 384. 18
					6				
189	94	None.	95	'95	6	725, 760			353, 212. 68
	None.	None.			6				None.
					6				
165. 16	159. 43	5. 73	5. 73	None			10	1, 057, 024	916, 740. 34
	None.	None.			10				None.
94	20	77. 84	77. 84	None	10	601, 600			None.
					6				
110					6	1355, 420			30, 998. 75
					6				
90½		60			6	1312, 384			6, 468. 68
	188. 10	73. 27	73. 27	None					
290					6	1, 052, 469			743, 009. 36
		60		20					

† In these estimates deductions were made for conflicting grants.

A.—Statement showing States and corporations to which grants have

STATES—

Names of States to which grants have been made.	Date of act making grant and acts supplemental thereto.	Statutes.	Page.	Time in years within which road was to be completed.	Date of act extending period within which road was to be completed.	Time allowed by, or number of years allowed from date of, amendatory act.	Date when road should have been completed.	Date when road was completed.	Name of railroad.
Mich.	June 3, '56	11 21	10						Marquette and Ontonagon, now Marquette, Houghton and Ontonagon. ^r
	June 18, '64	13 137	...		June 18, '64	5 years.			
	Mar. 3, '65	13 409	...				Dec. 31, '72		
	Apr. 20, '71	15 252	...		May 20, '68	Until Dec. 31, '72.			
Iowa	June 3, '56	17 643	10				June 3, '66		Ontonagon and State Line, now Ontonagon and Brule River. ^s
	June 3, '56	11 21	10						
Wis.	May 12, '64	13 72	15				Sept. 20, '81		Sioux City and Saint Paul. ^t
Wis.	June 3, '56	11 20	10						West Wisconsin, formerly La Crosse and Milwaukee, and Tomah and Saint Croix. ^u
	May 5, '64	13 66	...		May 5, '64	5 years.	May 5, '69 (Madison to Tomah).	Jan. —, '71	
		15 257	...		July 13, '68	3 years.	May 5, '72 (Tomah to Saint Croix).	Apr. 16, '72	
	Mar. 3, '75	17 634	10						
Minn.	June 3, '56	11 20	10						North Wisconsin, formerly Saint Croix and Lake Superior, now Chicago, Saint Paul, Minneapolis and Omaha. ^v
	May 5, '64	13 66	...		May 5, '64	5 years.	May 5, '69		
	May 5, '64	13 66	10						
	June 21, '66	14 360	...						
Minn.	Mar. 3, '75	18 511	10						Wisconsin Central, formerly Portage, Winnebago and Superior. ^w
	Mar. 3, '57	11 195	...		Apr. 9, '74	Until Dec. 31, '76.	Dec. 31, '76		
	July 12, '62	12 624	...						Saint Vincent extension of Saint Paul and Pacific (East Saint Cloud to Saint Vincent), now Saint Paul, Minneapolis and Manitoba. ^z
	Mar. 3, '65	13 526	...		Mar. 3, '65	8 years.	Mar. 3, '73, extended to—		
	July 13, '66	14 97	...				Dec. 3, '73	Dec. 23, '79	
	Mar. 3, '71	16 588	...		Mar. 3, '73	9 months.			
	June 22, '74	18 203	...		June 22, '74				Western Railroad, formerly Brainerd Branch Saint Paul and Pacific (Watab to Brainerd). ^y
	Mar. 3, '57	11 195	10		Mar. 3, '65	8 years.	Mar. 3, '73, extended to Dec. 3, '73	Jan. 1, '78.	
	Mar. 3, '65	13 526	...						
	July 13, '66	14 97	...		Mar. 3, '73	9 months			
	Mar. 3, '71	16 588	...		June 22, '74				Southern Minnesota Railway Extension. ^z
	June 22, '74	18 203	...				Feb. 25, '77	Dec. 8, '79	
	July 4, '66	14 87	10						
	July 13, '66	14 97	...				Mar. 7, '77	Dec. 15, '79	
	July 4, '66	14 87	10						Lake Superior and Mississippi. ^{bb}
	July 13, '66	14 97	...				May 5, '73	Feb. 28, '73	
	May 5, '64	13 64	8						
	July 13, '66	14 93	...						

* In this estimate a deduction was made for a conflicting grant.

been made to aid in the construction of railroads, &c.—Continued.

Continued.

Length in miles as definitely located.	Number of miles of road completed before expiration of grant.	Number of miles of road completed after expiration of grant.	Number of miles of road uncompleted at date when road should have been completed.	Number of miles of road now uncompleted.	Number of sections, irrespective of area per section, granted for each mile of road.	Approximate estimate of the number of acres so granted.	Number of sections containing 640 acres granted for each mile of road.	Estimated quantity of land (in acres) embraced in the limits of the grant.	Lands transferred to the grantee by certification of approved lists, or by patent, as the case may be, in acres.
98	52	None...	46	46	10	627, 200	.....	.....	437, 385
75	None....	20	75	55	6	232, 848	.....	.....	197, 594. 70
83 ³ / ₈	56 ¹ / ₂	None....	26 ³ / ₈	26 ³ / ₈	10	*487, 240	.....	.....	407, 910. 21
244	217. 09	39	39	None	6 & 10	1, 305, 600	.....	.....	842, 866
226	None....	120	226	106	10	1, 408, 452. 69	.....	.....	843, 397, 56
341	231	26	110	84	10	1, 800, 000	.....	.....	579, 944. 56
314	140	174	174	None	10	2, 009, 600	.....	.....	1, 174, 330. 03
54. 21	None...	54. 21	54. 21	None	10	243, 712	.....	.....	†121, 462. 31
279 ³ / ₈	149 ³ / ₈	130 ³ / ₈	130 ³ / ₈	None	.....	.....	10	1, 787, 953	452, 775. 95
202. 1	74	128. 1	128. 1	None	.....	.....	10	1, 283, 400	312, 770. 27
154. 42	30	124. 42	124. 42	None	.....	.....	10	988, 288	860, 564. 09

*12,346.24 acres in Fort Ripley reservation relinquished August 10, 1881, leaving 109,116.07 acres chargeable to road.

NOTES TO TABLE A.

- a* Grant treated as forfeited after August 11, 1866.
- b* No map of location nor evidence of construction on file.
- c* No map of location filed. Grants treated as forfeited after August 11, 1866.
- d* No evidence of construction on file.
- e* State refused to accept grant.
- f* No evidence of construction on file. Believed to be constructed from Girard to Troy, 84 miles.
- g* Road beyond Jacksonville not built on located line for 23.42 miles. Act May 23, 1872, confirms all the lands certified for the company up to that date.
- h* No map of location filed.
- i* No evidence of the construction of any portion of the road on file. Believed to be constructed a distance of 150 miles.
- j* Believed to be constructed. No evidence of construction on file.
- k* No map of definite location filed.
- l* Act July 28, 1866, increases grant to 10 sections per mile. Act of April 10, 1869, extends time for completion of first 20 miles of road. Act of March 8, 1870, repeals the proviso of the act of April 10, 1869.
- m* Road never definitely located.
- n* Road constructed by a different line from that of definite location, and 74 miles thereof never accepted.
- o* No evidence of construction on file. Road believed to be constructed. The act of March 3, 1879, released to the State the reversionary interest of the United States in the lands certified.
- p* Believed to be completed. The act of March 3, 1879, released to the State the reversionary interest of the United States in the lands certified.
- q* Act of March 2, 1867, extends the time for completion of first 20 miles of road. Act of March 3, 1871, authorizes change of northern terminus of road.
- r* Joint resolution of June 18, 1864, explains the act of that date extending time for completion of road. The act of March 3, 1865, increases grant to ten sections per mile. Act of April 20, 1871, authorizes a relocation of a portion of the road.
- s* The lands certified were afterwards relinquished to the United States.
- t* The act of May 12, 1864, required the completion of the road within fifteen years from date of acceptance. Company accepted grant September 20, 1866.
- u* Act of May 5, 1864, increases grant to ten sections per mile from Tomah to Saint Croix Lake. The act of March 3, 1873, authorizes the company to select indemnity for certain lands lost.
- v* Act of May 5, 1864, increases grant to ten sections per mile.
- w* June 21, 1866, resolution explanatory of the act of May 5, 1864. Act of March 3, 1875, authorizes the company to straighten their road.
- x* Act of March 3, 1857, authorizes branch via Saint Cloud and Crow Wing to Red River. Joint resolution July 12, 1862, changes route of branch to Lake Superior. Act of March 3, 1865, extends time and increases grant. Act July 13, 1866, grants indemnity in certain cases. Act March 3, 1871, authorizes change of route. Act June 22, 1874, extends time for completion. Not operative.

y Act March 3, 1865, extends time and increases grant. Act July 13, 1866, grants indemnity in certain cases. Act March 3, 1871, authorizes extension of time from Crow Wing to Brainerd. Act June 22, 1874, extends time for completion of road. Not operative, 16.13 miles of road within Fort Ripley reservation, and company not entitled to lands.

z The act of July 4, 1866, required the road to be completed within ten years from date of acceptance. Grant accepted February 25, 1867. Act July 13, 1866, provides for certification, &c.

aa The act of July 4, 1866, required the road to be completed within ten years from date of acceptance. Grant accepted March 7, 1867. Act of July 13, 1866, provides for certification, &c.

bb The act of July 13, 1866 (14 Stats., 93), authorizes deficiency to be made up of lands within 30 miles west of line of road. Act of July 13, 1866 (14 Stats., 97), provides for indemnity in certain cases. Not to diminish grant to this road.

LANDS GRANTED RAILROADS.

A.—Statement showing States and corporations to which grants have

CORPOR.

Names of corporations to which grants have been made.	Dates of acts making grants and acts supplemental thereto.	Statutes.	Page.	Effect of acts.	Location of the grants.
Northern Pacific Railroad Company.	July 2, '64	13	365	Granting act. Required completion of entire road by July 4, 1876.	Wisconsin, main line.. Minnesota, main line.. Dakota, main line.... Montana, main line... Idaho, main line..... Oregon, main line..... Washington, main line Washington, branch..
	May 7, '66	14	355	Resolution. Extended the time for commencing and completing the road two years.	
	July 1, '68	15	255	Resolution. Extended the time for commencing work on the road two years, and required the completion of the entire road by July 4, 1877.	
	Mar. 1, '69	15	346	Resolution. Consented to the issue of bonds, &c.	
	Apr. 10, '69	16	57	Resolution. Authorized the extension of the branch line from Portland, Oreg., to Puget Sound.	
	May 31, '70	16	378	Resolution. Authorized the issue of mortgage bonds; reversed the location of the main line and branch in Washington Territory, extended the indemnity limits, &c.	
	July 15, '70	16	305	Proviso. Required the company to pay the cost of surveying, selecting, and conveying lands granted before the issue of patents.	
California and Oregon Railroad Company, now Oregon Branch of the Central Pacific Railroad.	July 25, '66	14	239	Granting act. Required completion of the entire road on or before July 1, 1875.	California.....
	June 25, '68	15	80	Extended the time for completing the road to July 1, 1880.	
	Apr. 10, '69	16	47	Provided that the lands granted shall be sold to actual settlers only, in quantities not greater than one-quarter section to one purchaser, and for a price not exceeding \$2.50 per acre.	
Oregon Central Railroad Company, now Oregon and California Railroad Company.	July 25, '66	14	239	Granting act. Required completion of the entire road on or before July 1, 1875.	Oregon.....
	June 25, '68	15	80	Extended the time for completing the road to July 1, 1880.	
	Apr. 10, '69	16	47	Amended granting act. Also provided that the lands granted shall be sold to actual settlers only, in quantities not greater than one-quarter section to one purchaser, and for a price not exceeding \$2.50 per acre.	

been made to aid in the construction of railroads, &c.—Continued.

ATIONS.

Length of road, in miles, as located or proposed.	Number of sections (of 640 acres) granted for each mile of road.	Estimated quantity of land (in acres) embraced in the grant.	Date when the road should have been completed.	Number of miles completed before the date fixed for completion of the road.	Number of miles uncompleted at the date fixed for completion of the road.	Number of miles completed after the date fixed for completion of the road.	Number of miles now uncompleted.	Number of acres patented to the company.	Remarks.
92	20	907,520 00	July 4, '79	92	92	<p>The date given for the completion of this road is that fixed by the decision of the Secretary of the Interior, dated June 11, 1879 (see General Land Office Report for 1879, pp. 109 to 111).</p> <p>The limits of the main line and branch in Washington Territory overlap, and the area in the overlapping limits is estimated as part of the grant for the main line only.</p>
236	20	4,301,440 00	.....	228	8	.....	8	743,493.44
374	40	3,432,640 00	.....	197	177	177	.....	.....
770	40	17,838,080 00	.....	.....	770	73	697	.....
72	40	1,900,800 00	.....	.....	72	45	27	.....
.....	40	3,575,680 00	.....	.....	.....	.....	.....	.....
511	40	.....	.....	106	405	180	225	3,016.08
215	40	11,258,880 00	.....	.....	215	.....	215	.....
2,270	.....	48,215,040 00	.....	531	1,739	475	1,264	746,509.52
288	20	2,126,526 78	July 1, '80	152	136	136	1,337,919.12	<p>The quantity of land within the limits here given is the amount found by an actual examination made heretofore. An examination under existing rulings would probably increase it.</p> <p>No definite location north of township 46 north, range 5 west, Mount Diablo meridian, and no lands withdrawn north of said township.</p>
315	20	3,701,760 00	July 1, '80	197	118	.....	118	322,062.40
.....	<p>No definite location south of township 30 south, range 5 west, and no lands withdrawn south of said township.</p>

LANDS GRANTED RAILROADS.

A.—Statement showing States and corporations to which grants have

CORPORATIONS

Names of corporations to which grants have been made.	Dates of acts making grants and acts supplemental thereto.	Statutes.	Page.	Effect of acts.	Location of the grants.
Atlantic and Pacific Railroad Company.	July 27, '66 Apr. 20, '71	14 17	292 19	Granting act. Required completion of the whole of the main line by July 4, 1878. Authorized the company to mortgage its road, lands, &c.	Missouri, main line ... Arkansas, main line ... Arkansas, branch Indian Territory, main line. Indian Territory, branch. Texas, main line New Mexico, main line Arizona, main line Nevada, main line California, main line ..
Southern Pacific Railroad Company of California, main line.	July 27, '66 July 25, '68 June 28, '70	14 15 16	292 187 382	Sec. 18. Granting act. Required completion of the whole road by July 4, 1878. Allowed the company until July 1, 1870, for construction of the first 30 miles of road. Resolution. Authorized construction on the route indicated by the map filed in the Interior Department January 3, 1867, and provided for issue of patents for lands along each section constructed.	California.....
Oregon Central Railroad Company.	May 4, '70	16	94	Granting act. Required completion of the entire road within six years from the date of the act.	Oregon, main line Oregon, branch

been made to aid in the construction of railroads—Continued.

—Continued.

Length of road, in miles, as located or proposed.	Number of sections (of 640 acres) granted for each mile of road.	Estimated quantity of land (in acres) embraced in the grant.	Date when the road should have been completed.	Number of miles completed before the date fixed for completion of the road.	Number of miles uncompleted at the date fixed for completion of the road.	Number of miles completed after the date fixed for completion of the road.	Number of miles now uncompleted.	Number of acres patented to the company.	Remarks.
89	20	1,100,160.00	July 4, '78	89	485,871.75	<p>No grant in Texas.</p> <p>No withdrawal of lands within the limits of this grant in Nevada and Indian Territory has been ordered.</p> <p>In addition to the amount patented in Missouri, here given, 429,084.18 acres certified to said State prior to July 27, 1866, and 3,130.97 acres patented to the State after that date, all under the grant of June 10, 1852 (10 Stat., p. 8), for the Pacific and Southwestern Branch Railroad, are now charged against the grant to the Atlantic and Pacific Railroad Company as successor to a portion of the former company's road.</p> <p>The land patented in Arkansas is within the 30 mile (indemnity) limit of the main line in Missouri.</p> <p>No date fixed for completion of the branch. Allowance made for overlapping limits of main line and branch in Indian Territory.</p>
5	20	72,320.00	.....	.....	5	.....	5	18,082.61
355	40	13,170,560.00	{	36	.....	319	.....	319
295	40			295	.....	295	.....	.....
200	.....	.....	.....	200	.....	200	.....	.....
416	40	10,215,680.00	.....	416	167	249	23,037.36	.....
380	40	9,242,240.00	.....	380	39	347	.....	.....
.....	20	34,560.00	.....	.....	.....	.....	.....	.....
686	20	6,855,040.00	.....	686	.....	686	.....	.....
2,426	.....	40,690,560.00	.....	125	2,301	200	2,101	526,991.72
522	20	5,511,264.26	July 4, '78	232	290	290	1,037,910.11	<p>{ Area of this grant ascertained by actual examination heretofore.</p>
122	20	1,130,880.00	{	25	97	.....	97	None
22½	20			22½	None	<p>{ The branch is nearly all within the limits of the main line, and the estimate here given is for the main line only.</p>
144½	.....	1,130,880.00	.....	47½	97	.....	97	.....

LANDS GRANTED RAILROADS.

A.—Statement showing States and corporations to which grants have

CORPORATIONS

Names of corporations to which grants have been made.	Dates of acts making grants and acts supplemental thereto.	Statutes.	Page.	Effect of acts.	Location of the grants.
Texas Pacific Railroad Company, now the Texas and Pacific Railway Company.	Mar. 3, '71	16	573	Granting act. Required completion of the entire road within ten years after the passage of the act.	Texas New Mexico Arizona California
	May 2, '72	17	59	Changed the name; authorized the issue of construction bonds; required construction or operation of a road from the eastern terminus at Marshall, Tex., to Shreveport, La., provided that the entire line from Marshall to San Diego, Cal., should be completed within ten years from the date of this act, &c.	
	June 22, '74	18	197	Authorized the issue of one or more mortgages, and provided that the roads of the Southern Pacific Railroad Company and the Southern Transcontinental Railway Company, theretofore consolidated with this company, under the laws of Texas, shall be deemed and taken to be a part of its road for all purposes, &c.	
New Orleans, Baton Rouge and Vicksburg Railroad Company, now New Orleans Pacific Railway Company.	Mar. 3, '71	16	573	Sec. 22. Granting act. Required completion of the whole road within five years from the date of the grant.	Louisiana

been made to aid in the construction of railroads, &c.—Continued.

—Continued.

Length of road, in miles, as located or proposed.	Number of sections (of 640 acres) granted for each mile of road.	Estimated quantity of land (in acres) embraced in the grant.	Date when the road should have been completed.	Number of miles completed before the date fixed for completion of the road.	Number of miles uncompleted at the date fixed for completion of the road.	Number of miles completed after the date fixed for completion of the road.	Number of miles now uncompleted.	Number of acres patented to the company.	Remarks.
795	40	3,527,680.00	May 2, '82	181	614	614	160	None	<p>No grant in Texas. The length of road in Texas here given is that of the line fixed by the granting act. The constructed road given is part of this line. It is understood that this company has constructed and is now operating its road to the western boundary of Texas, but no proof of construction west of the 181 miles here given has been filed. Proof of construction, under the act of 1872, of a road from Marshall to the eastern boundary of Texas, a distance of 20 miles, has been filed. The company has also filed maps showing 221 miles of branch lines in Texas constructed or acquired under authority of the act of 1874.</p>
160	40	9,466,880.00			160	378	378	None	
378	40	1,315,200.00			150	150	150	None	
150	20								
1,483		14,309,760.00		181	1,302	1,302			<p>The area within the limits of this grant here given is the amount of vacant land available for the grant, found by actual examination heretofore. This company has recently filed in the department proof of the completion of 130 miles of road, 60 of which were constructed by the New Orleans, Mobile and Texas Railroad Company, but this office has not been advised of the acceptance of any portion thereof.</p>
318	20	903,218.61	Mar. 3, '76	318	318	318	None		