New Orleans Republican.

OFFICIAL JOURNAL OF THE UNITED STATES

OFFICIAL JOURNAL OF NEW ORLEANS

CITY COUNCIL—OFFICIAL

REGULAR MEETING.

CITY HALL, NEW ORLEANS, September 19, 1871.

The Council met in regular session at noon.

Present: Mayor Benj. F. Flanders, in the chair; Administrators John Cockrem (Improvements), Alfred Shaw (Accounts), L. T. Delassize (Public Buildings), James Lewis (Police), John S. Walton (Finance), and H. Bonzano (Assessments).

Communications from the Mayor.

MAYORALTY OF NEW ORLEANS, September 19, 1871.

To the City Council of New Orleans:

I have the honor to report that, under the provisions of resolution No. 1076, Administration series, I have appointed Dr. M. F. Bonzano and D. C. McCan, Esq., commissioners to visit and examine the waterworks of other cities of the United States, with a view of reporting upon the most feasible, efficient and economical plan for the operation and extension of the Waterworks of the city of New Orleans.

BENJ. F. FLANDERS, Mayor.

Received and ordered printed.

MAYORALTY OF NEW ORLEANS, September 19, 1871.

To the City Council of New Orleans:

I have the honor to report the names of the following ten gentlemen, appointed by me in accordance with a resolution of the Council, to represent the city of New Orleans at the National Commercial Convention, to assemble at Baltimore on the twenty-fifth instant: Dr. M. F. Bonzano, Thomas F. Fisher, Hy. O. Seixas, in place of L. T. Delassize, resigned; Valentine Hermann, in place of W. M. Burwell, resigned; Samuel Snowden, in place of L. N. Higby, resigned: D. C. Labatt, nominated by the New Orleans Times; J. Q. A. Fellowes, nominated by the New Orleans Bee; Clarendon Davisson, nominated by the New Orleans Republican, John A. Watkins, nominated by the New Orleans Picayune; Walter L. Jewell, nominated by the New Orleans Bulletin.

BENJ. F. FLANDERS, Mayor.

Received and ordered printed.

The Mayor verbally reported that the land on which the powder mills of the city of New Orleans were situated, on the edge of the parish of St. Bernard, had been seized for four hundred dollars taxes, and he had instructed the City Attorney to take action in the matter.

Mr. Lewis mentioned that the property in question had been leased to a brother of one of the late Council (Mr. Shields), and he (Mr. Lewis) believed one of the conditions of the lease was that the lessee should pay taxes.

The Mayor further reported that a monition had appeared in the official journal, the effect of which, if left unanswered, would be to enter and appropriate to private use Chalmette Cemetery, and the lands adjoining, belonging to the city. He had referred that matter, also, to the City Attorney.

Monthly Reports.

By Mr. Cockrem:

DEPARTMENT OF IMPROVEMENTS, September 18, 1871.

Hon. Benj. F. Flanders, Mayor:

I have the honor to submit the following report of operations in this department for the month of August, 1871:

EXPENDITURES.

Department proper—		
Salaries	$416 67	
Expenses	143 00—	$559 67
BUREAU OF STREETS.		
Salaries	2,808 33	
Wages	29,116 90	
Repairs	7,295 66	
Expenses	248 50—	39,469 39
BUREAU OF WHARVES AND LANDINGS.		
Salaries	550 00	
Wages	1,385 87	
Repairs	1,426 07—	3,360 94
BUREAU OF CITY DRAINAGE.		
Salaries	125 00	
Wages	33,624 55	
Repairs	6,556 02	
Expenses	79 25—	40,384 82
SECOND DRAINAGE SECTION.		
Repairs		4,049 24
Total		$87,824 06

Of this amount about $10,000 was for permanent improvements, and about $30,000 for extra labor in repairing canal levees.

BUREAU OF STREETS.

Owing to the suspension of work during a portion of the month, and to the very limited force since employed, the condition of the streets, especially in the rear portion of the city, is not as good as could be desired; strenuous efforts are, however, being made to remedy this evil, and I hope, in my next report, to be able to state that all the streets and gutters are in good order.

A new bridge was found necessary at the Marais street crossing of the canal Carondelet, which has been built at a cost of about $4000.

In the Bureau of Wharves and Landings, the regular gang was employed in keeping the streets clean, and in making such slight repairs as from time to time became necessary. The repairing and reconstructing of wharves, under contract, in the First, Second, Third and Fourth districts is being rapidly pushed forward.

In the Bureau of City Drainage, much labor was performed in raising and strengthening the canal levees. This work is now almost complete.

The additional wheel and engine of the Dublin avenue draining machine has been completed, thus placing the machine in perfect running order for draining the Fourth and Sixth Districts.

JOHN COCKREM, Administrator.

By Mr. Delassize:

DEPARTMENT OF WATERWORKS AND Public Buildings, September 1, 1871.

To Hon. Benj. F. Flanders, Mayor of the city of New Orleans:

The last month has been one of unusual quiet in this department, business being strictly routine. I have, therefore, but to report:

Collections for water rents:		
For First District		$142 85
For Second District		294 80
Total		$437 65
Water pumped, gallons		205,455,540
Hours worked		387¾
Coal consumed, barrels		2409

EXPENSE SUMMARY.

Administrator's office:		
Salaries		$383 35
Waterworks:		
Office salaries	$1411 65	
Waterworks proper, salaries	1413 65	
Labor	180 00	
Expenses	502 87	
Guarantee money refunded	2300 00—	5808 17
Insane Asylum:		
Salaries	470 00	
Expenses	919 77—	1389 77
Home of Aged and Infirm:		
Salary	50 00	
Expenses	203 98—	253 98
Courthouses:		
Salary	200 00	
Repairs	296 88—	496 88
Public Buildings:		
Markets, repairs	1130 00	
City Hall, ice, etc	133 75	
Parish Prison, repairs	141 25	
Public sinks	375 00	
Pesthouses	2000 00	
Support of orphans	75 00—	3855 00
Total		$12,187 15

L. T. DELASSIZE, Administrator.

Department Reports.

By Mr. Shaw:

DEPARTMENT OF PUBLIC ACCOUNTS, September 19, 1871.

To the City Council of New Orleans:

I have to report that the Bank of New Orleans, Administrator of the Floating Debt, has rendered an account of its administration. The following are the essential points:

Certificates issued by the bank		$2,644,588 43
Certificates redeemed by the bank		2,423,164 84
Certificates outstanding per list furnished		$221,423 59
Seven per cent bonds issued in exchange for certificates		$3,000,000 00
Discount in exchanging same		524,963 25
Net proceeds of exchange		$2,475,036 75
Certificates redeemed	$2,423,679 64	
Interest on same to date of redemption	48,181 44—	2,471,861 08
Cash remaining on hand		$3,175 67

I observe that the bank has issued $717 47 more in certificates than the total of the statement of the floating debt furnished by the city. I would recommend that the bank be authorized to transfer to account of "interest ten per cent loan 1871," (i. e., the new ten per cent bonds) the balance of $3175 67 cash, as above and the value of the small over issue of certificates remarked upon, $717 47. The list of unredeemed and uncalled for certificates will be preserved in my office for the inspection of all persons interested.

ALFRED SHAW, Administrator.

Laid over to be printed.

By Mr. Walton:

DEPARTMENT OF FINANCE, September 19, 1871.

To the City Council of New Orleans:

I have to report that the term for which Mr. D. J. Wickes was engaged in this department expired on the ninth of September, 1871.

JOHN S. WALTON, Administrator.

Mr. Walton handed in, to be read by the Secretary, the following letter:

CLERK'S OFFICE THIRD DISTRICT COURT, September 16, 1871.

Hon. John S. Walton, Administrator of Finance:

SIR—The Eighth District Court having decided that the Third District Court was the only district court that had jurisdiction in tax suits where the amount in contest was one hundred dollars and under, and not wishing to throw further obstacles in the way of collecting the taxes for the year 1870, I now renew my proposition, made on June 3, 1871, viz: to charge the city but one dollar for each suit filed in this cout.

D. C. BYERLY,
Clerk Third District Court for the parish of Orleans.

In connection with this communication, Mr. Walton offered the following report:

DEPARTMENT OF FINANCE, September 19, 1871.

To the City Council of New Orleans:

Acting under instructions of the Council, I gave public notice that all tax bills for 1870 would be placed in the Fourth and Eighth District Courts. Whereupon Mr. D. C. Byerly commenced proceedings in the Eighth District Court to compel me to put all bills of one hundred dollars and under in the Third District Court, claiming that he was entitled to them by law. His claim has been sustained by the decision of the court, and the city attorneys unanimously advise that an appeal should not be taken therefrom.

Mr. Byerly comes forward and renews an offer which he made some time ago, "To charge the city only one dollar for each suit filed in this (Third District) court."

As the acceptance of this offer will enable us to proceed without delay with the collection of our taxes, and will save one-half the costs, besides costs of litigation and more advertisements, I recommend the adoption of the accompanying preamble and resolutions.

JOHN S. WALTON, Administrator.

WHEREAS, The Eighth District Court has decided that the Third District Court is the only court that has jurisdiction in tax suits where the amount in contest is one hundred dollars and under; and

Whereas, It is the unanimous advice of our attorneys that it is not advisable to take an appeal which will suspend the collection of a large proportion of our taxes for 1870, and cause further litigation, with additional costs of court and of printing, and considering that notwithstanding the advantages given by the said decision to the clerk of the Third District Court, he has agreed to deliver us from our embarrassment by renewing his offer to charge the city but one dollar for each suit filed in his court;

Resolved, That the offer of D. C. Byerly, clerk of the Third District Court, "to charge the city but one dollar for each suit filed in this court," be and is hereby accepted, and that the Mayor is authorized and instructed to enter into notarial contract with said Byerly to carry his offer into effect.

Mr. Bonzano moved that the report be received and printed.

The motion was put, and nobody objecting, was declared carried *nem. dis.*

Mr. Cockrem moved to reconsider, and to refer the report to a committee of the whole.

This motion was put, and two administrators voting for and none against it, was declared carried.

Financial Business.

By Mr. Shaw:

An ordinance providing for the payment of the several accounts therein named.

Be it ordained, That the following appropriations be, and are hereby made, and that the Administrator of Public Accounts warrant on the Administrator of Finance in payment of the same:

German Gazette, advertising, approved by the Administrator of Improvements, $8 25.

Times, advertising paving of Bourbon street, approved by the Administrator of Improvements, $8 25.

C. H. Luzenberg, District Attorney, for twenty-three convictions in the month of September, 1871, as per bill, approved by the Judge of the First District Court, $345.

T. Kreamer, grand jury warrants, $129.

Robert Smith, grand jury warrants, $129.

J. Vanzand, grand jury warrants, $129.

B. F. Flanders, Mayor, contingent expenses, $27 50.

Adopted.

By Mr. Shaw:

A resolution appropriating improvement bonds for a settlement with William Henry for shells supplied.

Resolved, That improvement bonds be issued to William Henry, as per contract, for the delivery of 50,000 barrels of shells, upon bills approved by the Administrator of Improvements, amounting to $31,423 28.

Read twice and laid over.

By Mr. Shaw:

Resolved, That wharf bonds at the rate of ninety cents on the dollar be issued to contractors for all work performed since September 1, 1871, and for all work to be performed under existing contracts for the repair and reconstruction of wharves and landings.

Be it further resolved, That the issue of wharf bonds at ninety cents on the dollar for all work performed prior to September 1, 1871, under existing contracts for the repair and reconstructing of the wharves and landings, be and the same is hereby approved.

Adopted.

Petitions, Etc.

A tax petition of M. L. Dugan was referred to the committee on back taxes.

A petition of the House of Good Shepherd, for a fence, was referred to the Administrator of Public Buildings.

A petition of Messrs. Glasscock & Johnson, to erect stables on Conti street, was referred to the Administrator of Commerce ad interim.

A petition of Sisters of the Good Shepherd, for protection from the attacks of evil disposed persons, was referred to the Administrator of Police.

A renewed petition, with regard to the Wallace $500 violet claim, was reserred to the Administrator of Police.

A proposition of Thomas W. Gregorio & Co., to purchase a slip of ground near the French Market, was referred to the Administrator of Public Buildings.

A petition for permission to remove the grist mill of G. W. Stockton, from Liberty to Rampart street, was referred to the Administrator of Commerce ad interim.

A petition of G. Hames, to rent a piece of ground, corner of Girod, Front and Delta streets, was referred to the Administrator of Public Buildings.

A petition for a wooden walk on Tchoupitoulas street, between Joseph street and Henry Clay avenue, was referred to the Administrator of Public Buildings.

An assessment petition, of Everett, Lane & Co., was referred to the Administrator of Assessments, as was also an assessment petetion of A. Palacio.

A petition from the Third District, for a fire engine company, was referred to the Administrator of Commerce ad interim.

Referred and Deferred Business.

Mr. Cockrem, on the petition of Robert M. Lusher, agent of the Peabody fund, reported as follows:

DEPARTMENT OF IMPROVEMENTS, September 19, 1871.

To the City Council of New Orleans:

Respectfully returned to the Council, with the information that this matter comes more directly within the knowledge of the school board. I therefore ask to be relieved from further consideration, and suggest that the matter be referred to the board of school directors.

JOHN COCKREM, Administrator.

Mr. Bonzano moved that the report be referred back to the Administrator of Improvements, to consult with such persons as might be able to give him information on the subject.

Adopted.

By Mr. Cockrem:

DEPARTMENT OF COMMERCE, September 19, 1871.

To the City Council of New Orleans:

I hand with this the petition of Messrs. S. Tourmillon & Co., asking for permission to erect and operate a steam engine and appurtenances on their premises, Nos. 198 and 200 New Levee street, for the purpose of reboiling sugar and molasses. Having examined into the facts as therein set forth, I report favorably, and recommend the adoption of the following resolution.

JOHN COCKREM,
Administrator ad interim.

Resolved, That permission is hereby granted to S. Tourmillon & Co. to erect and operate a steam engine on their premises, Nos. 198 and 200 New Levee street, for the purpose of reboiling sugar and molasses; provided, that this permission be subject to revocation at the pleasure of the Council.

Mr. Bonzano moved that the matter be laid over for one week, and adduced as a reason for this course that in the matter of the Collens cotton pickery, which the Council would have passed in a hurry last week, he had since found a strong opposition on the part of the majority of the property holders of the neighborhood.

Mr. Cockrem suggested that the matter be referred to the Administrator of Assessments.

Mr. Bonzano remarked that he generally took such reference on himself without the formal action of the Council.

By Mr. Cockrem:

DEPARTMENT OF COMMERCE, September 19, 1871.

To the City Council of New Orleans:

I return herewith the petition of H. A. Battles, asking for permission to erect and operate a steam engine upon the premises No. 249 Front street, corner of Erato street, for the purpose of bleaching rosin and distilling turpentine by steam.

As his petition is approved by a majority of residents in the location designated, I report favorably, and respectfully offer the following resolution.

JOHN COCKREM,
Administrator ad interim.

Resolved, That permission is hereby granted to H. A. Battles to erect and operate a steam engine on the premises known as No. 249 Front street, corner of Erato street, for the purpose of bleaching rosin and distilling turpentine; provided, that this permission is revocable at the pleasure of the Council.

Mr. Cockrem suggested that this have the same reference as the preceding petition.

Agreed to.

By Mr. Shaw:

Resolved, That the Administrator of Finance be authorized, at such periods as he may deem proper, to advertise for the sale of ten per cent bonds, letter P, and seven per cent bonds of the floating debt issue (letter —), bids to be received in cash or appropriation certificates; no bid for the former to be received at less than par, or for the latter at less than eighty-two and a half per cent. Interest on current coupon in both cases to be added, and all bids subject to rejection by the Mayor and Administrator of Finance. And exchanges of bonds upon bids accepted are hereby authorized, the same to be reported to the Council.

Laid over to be printed.

By Mr. Lewis:

DEPARTMENT OF POLICE, September 19, 1871.

To the City Council of New Orleans:

On the petition of Alfred Bonnabel for the return of $48 60, being the amount in excess of pound charges resulting from the sale of two cows impounded by the city, and sold after due advertisement, I report favorably, and respectfully recommend the adoption of the accompanying resolution:

Resolved, That the Administrator of Public Accounts be and he is hereby authorized to warrant on the Department of Finance for the sum of forty-eight dollars and sixty cents in favor of Alfred Bonnabel, that amount being in excess of certain pound charges on two cows, the property of Bonnabel, which were impounded and sold by the city under existing ordinances, in the month of May, 1871.

JAMES LEWIS, Administrator.

Adopted.

By Mr. Delassize:

DEPARTMENT OF WATERWORKS AND Public Buildings, September 19, 1871.

To the City Council of New Orleans:

I beg leave respectfully to submit the following report in relation to the petition of one Tim Ryan, claiming damages from the city for the breakage of a barouche, as follows:

For repairs to barouche	$125
For time lost, forty days, at five dollars per day	200
Total	$325

With interest at five per cent from June 20, 1871.

It appears by the petition that the damage was caused by the barouche "going into a mud hole and striking a piece of iron."

The facts of the case are, that the barouche ran into a water gate attached to the thirty-inch main laid on the levee. There was a barrier around the gate, and ample room for the passage of two or three vehicles on either side. This gate has been in position for three years, and, although in the midst of one of the greatest thoroughfares in the city, this is the first instance of accident, showing clearly that the cause was the absence of ordinary caution, and not the presence of the water gate.

As the water gate was rendered useless by the heedless driving of Ryan, I hold that a claim for damages on the part of the city would best accord with the facts of the case.

I therefore ask to be discharged from the further consideration of the petition.

L. T. DELASSIZE, Administrator.

Adopted.

By Mr. Delassize:

DEPARTMENT OF WATERWORKS AND Public Buildings, September 19, 1871.

To the City Council of New Orleans:

I beg leave to report favorably on the petition of J. O. Belknap, Esq., asking the privilege of erecting an ornamental fountain at the junction of Old Camp with Magazine street, as the structure will in no manner interfere with travel on the streets, nor obstruct the approaches to the Magazine market, while it will prove an ornament to that section of the city. Herewith is presented a plan of the locality in which is proposed to erect the fountain, which bears out the conclusions expressed above.

I respectfully ask the passage of the accompanying resolution.

L. T. DELASSIZE, Administrator.

Resolved, That the privilege be granted J. O. Belknap to erect, at his own expense, at such point as the Administrator of Improvements shall designate, on the space at the upper end of Magazine market, formed by the junction of Old Camp with Magazine street, an ornamental fountain, similar in design to that at present erected on Canal street, the use of the recesses and panels of said structure as an advertising medium, as well as the privilege of water from the City Waterworks, to be guaranteed to said Belknap for a space of five years, after which the improvements to become the property of the city.

Laid over to be printed.

By Mr. Delassize:

DEPARTMENT OF WATERWORKS AND Public Buildings, September 19, 1871.

To the City Council of New Orleans:

I beg leave to report that no bids were received in response to an advertisement for proposals for the purchase of the iron building at the foot of Canal street.

L. T. DELASSIZE, Administrator.

Received.

Mr. Lewis presented an application from a vagrant for release under the ordinance recently passed.

Referred to the Mayor.

By Mr. Bonzano:

Resolved, That the Administrator of Public Accounts is hereby authorized to cancel tax bills for 1870, against E. P. Tileston, from No. 34,432 to No. 34,468 inclusive, the same being for an assessment on his plantation (assessed in squares), in the thirteenth assessment district (Algiers), amounting to sixty-three thousand five hundred dollars, and furnish the Administrator of Finance with a new tax bill, assessing the property as a plantation, at thirty thousand dollars.

This reduction is made in consideration of the removal of the slaughterhouse.

Laid over to be printed.

By Mr. Bonzano:

Resolved, That the Administrator of Public Accounts is hereby authorized to cancel tax bills for 1870 against Henry L. Stone, from No. 32,147 to No. 32,181 inclusive, the same being for an assessment on his plantation (assessed in squares), in the thirteenth assessment district (Algiers), amounting to $60,050, and furnish the Administrator of Finance with a new tax bill, assessing the property as a plantation, at $30,000.

This reduction is made in consideration of the removal of the Slaughterhouse.

Laid over to be printed.

Mr. Lewis desired to call up the ordinance contracting for the lighting of the Fifth District with gas, but at the request of Mr. Cockrem it was laid over another week.

The Council then adjourned.

H. CONQUEST CLARKE,
Secretary.

LAWS OF THE UNITED STATES.

Passed at the Third Session of the Forty-First Congress.

AN ACT to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its Road, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John C. Fremont, James L. Alcorn, G. M. Dodge, O. C. French, John D. Caldwell, J. J. Noah, A. C. Osborne, Timothy Hurley, C. C. Pool, Silas N. Martin, John M. Corse, George E. Wentworth, Philip H. Morgan, J. D. Cameron, Marshal O. Roberts, James L. Hodges, John Ray, W. Vermilye, Enoch L. Faucher, Charles F. Livermore, Joseph H. Oglesby, John Whytock, Daniel Drew, F. S. Davis, W. Orton, A. C. Babcock, Thomas A. Scott, Samuel D. Hoffman, H. Ramsdale, William H. Jackson, R. C. Parsons, Delos W. Emmons, M. A. Southworth, John H. Hall, G. C. Kinzey, W. P. Clark, James Dart, H. Jacobs, L. T. Smith, W. P. Dole, C. A. Weed, A. P. K. Safford, H. McCullough, Charles Jackson, Elisha Dyer, Alfred Anthony, James Hoy, M. W. Benjamin, H. D. Cooke, Joseph R. West, W. S. Huntington, J. M. Tebbetts, C. C. Leonridge, D. D. Porter, M. Woodhull, Hiram Price, M. C. Hunter, W. T. Walters, J. B. Brownlow, T. A. Morris, Owen Tuller, J. H. Ledlie, R. M. Bishop, Samuel Craighead, D. N. Stanton, Augustus H. Whiting, G. L. Johnston, J. W. Goodland, Powell Clayton, Samuel Tate, W. Bolton, H. Robinson, George Maney, O. H. Bynum, M. Burns, J. C. Goodloe, E. G. Barney, Cyrus Bussey, J. W. Forney, J. Lockwood, E. M. Davis, N. Patton, W. Flanegan, G. O'Brien, G. P. Buel, G. H. Gidding, J. J. Newell, E. W. Rice, R. M. Shoemaker, Samuel Sloan, S. W. Morton, J. B. Bowman, L. M. Flournoy, J. J. Hinds, G. R. Weeks, J. T. Ludeling, B. C. Gilbert, B. D. Williams, Thomas Olcott, G. A. Fosdick, Harry Hays, P. S. Forbes, John T. Sprague, L. R. Marsh, A. W. Beckwith, J. C. Stanton, Cyrus H. Baldwin, A. J. Hamilton, Rush R. Sloan, Silas C. Colgrove, Samuel D. Jones, N. H. Decker, William N. Leet, F. E. Allen, J. B. Chaves, Augustus Kountze, John N. Goodwin, William S. Rosecrans, Michael Hahn, H. C. Warmoth, J. S. Williams, G. M. Spencer, L. J. Higby, W. C. Kimball, and all such persons as shall or may be associated with them, and their successors, are hereby created a body politic and corporate in fact and in law, by the name, style, and title of the Texas Pacific Railroad Company, and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and use a common seal; and the said corporation is hereby authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances from a point at or near Marshall, county of Harrison, State of Texas; thence by the most direct and eligible route, to be determined by said company, near the thirty-second parallel of north latitude, to a point at or near El Paso; thence by the most direct and eligible route, to be selected by said company, through New Mexico and Arizona, to a point on the Rio Colorado, at or near the southeastern boundary of the State of California; thence by the most direct and eligible route to San Diego, California, to ship's channel, in the bay of San Diego, in the State of California, pursuing in the location thereof, as near as may be, the thirty-second parallel of north latitude, and is hereby vested with all the powers, privileges and immunities necessary to carry into effect the pur [po] ses of this act.

SEC. 2. That the persons named in the first section of this act shall constitute a board of commissioners (twenty of whom shall constitute a quorum for the transaction of business), to be known as the Texas Pacific Railroad Commissioners, who shall meet in the city of New York within ninety days after the passage of this act, at a time to be designated in a notice to be signed by the person first named in the list of corporators and six of his associates, and to be published for two weeks in, at least, one daily paper in New York, New Orleans and Washington: and, when so met, they may cause books to be opened for the subscription of the capital stock of said company, and when twenty thousand shares, amounting to two millions of dollars, shall have been subscribed, and ten per centum actually paid thereon, in money, to the treasurer, to be elected by said commissioners, who shall give bond for its safe keeping and payment to the treasurer of the company when organized, then it shall be lawful for such subscribers or stockholders, or a majority thereof, to organize said company in accordance with the provisions of this act, and to elect not less than seven, nor more than seventeen directors, a majority of whom shall be necessary to the transaction of business, and who shall hold their offices for one year and until their successors shall be elected and qualfied; and the said directors shall immediately proceed to elect a president, vice president, secretary and treasurer; the president and vice president shall be directors. At all elections for directors each share of stock shall be entitled to one vote, which may be given by the holders in person, or by proxy, who shall also be a shareholder. The directors shall hold their offices for any term not exceeding three years, as may be provided in the by-laws; and the annual meetings of stockholders shall take place as provided for in said by-laws.

SEC. 3. That the capital stock of the Texas Pacific Railroad Company shall be fixed by the board of directors at a sum not exceeding fifty millions of dollars, in shares of one hundred dollars; and when the amount is so fixed, it shall never be increased except by consent of Congress. Assessments upon said stock shall only be made by a majority vote of the whole number of directors at a regular meeting, which said assessments shall be paid at the expiration of thirty days after a notice given in one newspaper in each of the cities of Washington, Philadelphia, New York and New Orleans.

SEC. 4. That the said Texas Pacific Railroad Company shall have power and lawful authority to purchase the stock, land grants, franchises and appurtenances of, and consolidate on such terms as may be agreed upon between the parties, with any railroad company or companies heretotofore chartered by congressional, State or territorial authority, on the route prescribed in the first section of this act; but no such consolidation shall be with any competing through line of railroads to the Pacific Ocean.

SEC. 5. That the said company shall have power and authority to make running arrangements with any railroad company or companies heretofore chartered, or that may hereafter be chartered by congressional, State or territorial authority; also to purchase lands, or to accept donations, or grants of lands, or other property, from State or individuals, for the purpose of aiding in carrying out the object of this company.

SEC. 6. That the rights, land, land grants, franchises, privileges and appurtenances and property of every description belonging to each of the consolidated or purchased railroad company or companies, as herein provided, shall vest in and become absolutely the property of the Texas Pacific Railroad Company; provided, that in all contracts made and entered into by said company with any and all other railroad company or companies, to perfect such aforesaid consolidation or purchase, the indebtedness of other legal obligations of said company or companies shall be assumed by the said Texas Pacific Railroad Company as may be agreed upon, and no such consolidation or purchase shall impair any lien which may exist on any of the railroads so consolidated or purchased; but said company shall not assume the debts or obligations of any company with which it may consolidate or purchase as aforesaid, to an amount greater than the cash value of the assets received from the same.

SEC. 7. That the said Texas Pacific Railroad Company shall have power to make and enforce rules and by-laws for the election of its officers and the government and management of the business of the company, and to do and perform all needful and proper things to be done and performed to promote the objects of the company hereby incorporated, not inconsistent with the laws of the United States and the provisions of this charter.

SEC. 8. That the right of way through the public lands be, and the same is hereby, granted to the said company for the construction of the said railroad and telegraph line, and the right, power and authority is hereby given to said company to take, from the public lands adjacent to the line of said road, earth, stone, timber and other materials for the construction thereof. Said right of way is granted to said company to the extent of two hundred feet in width on each side of said railroad where it may pass over the public lands; and there is also hereby granted to said company grounds for stations, buildings, workshops, wharves, switches, side-tracks, turn-tables, water stations, and such other structures as may be necessary for said railroad, not exceeding forty acres of land at any one point.

SEC. 9. That for the purpose of aiding in the construction of the railroad and telegraph line herein provided for, there is hereby granted to the said Texas Pacific Railroad Company, its successors and assigns, 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 said railroad line, as such line may be adopted by said company, through the Territories of the United States, and ten alternate sections of land per mile on each side of said railroad in California, where the same shall not have *not have* been sold, reserved, or otherwise disposed of by the United States, and to which a pre-emption or homestead claim may not have attached at the time the line of said road is definitely fixed. In case any of said lands shall have been sold, reserved, occupied, or preempted, or otherwise disposed of, other lands shall be selected in lieu thereof by said company, under the direction of the Secretary of the Interior, in alternate sections, and designated by odd numbers, not more than ten miles beyond the limits of said alternate sections first above named, and not including the reserved numbers. If, in the too near approach of the said railroad line to the boundary of Mexico, the number of sections of land to which the company is entitled can not be selected immediately on the line of said railroad, or in lieu of mineral lands excluded from this grant, a like quantity of unoccupied and unappropriated agricultural lands, in odd numbered sections nearest the line of said railroad may be selected as above provided; and the word "mineral," where it occurs in this act, shall not be held to include iron or coal: Provided, however, That no public lands are hereby granted within the State of California further than twenty miles on each side of said road, except to make up deficiencies as aforesaid, and then not to exceed twenty miles from the lands originally granted. The term "ship's channel," as used in this bill, shall not be construed as conveying any greater right to said company to the water front at San Diego bay than it may acquire by gift, grant, purchase or otherwise, except the right of way, as herein granted; and provided further, that all such lands, so granted by this section to said company, which shall not be sold or otherwise disposed of, as provided in this act, within three years after the completion of the entire road, shall be subject to settlement and pre-emption like other lands, at a price to be fixed by and paid to said company, not exceeding an average of two dollars and fifty cents per acre for all the lands herein granted.

SEC. 10. That when the route of said railroad and telegraph line shall pass through the lands of private persons, or where it may be necessary for said railroad company to take any lands belonging to private persons for any of the purposes herein mentioned necessary to said road, such right of way through or title to such lands shall be secured in accordance with the laws of the State or Territory in which they may be situated.

SEC. 11. That the Texas Pacific Railroad Company shall have power and authority to issue two kinds of bonds, secured by mortgage, namely: first, construction bonds; second, land bonds. Construction bonds shall be secured by mortgage, first, on all or any portion of the franchises, road-bed or track of said railroad, and all the appurtenances thereto belonging, when constructed or in the course of construction, from a point at or near Marshall, to ship's channel, in the bay of San Diego, in the State of California, as aforesaid. Land bonds shall be secured by mortgage, first, on all or any portion of the lands hereby granted in aid of the construction of said railroad as is provided for in this act; second, on lands acquired by any arrangement or purchase or terms of consolidation with any railroad company or companies to whom grants of lands may have been made or may hereafter be made by any congressional, State or territorial authority, or who may have purchased the same previous to any such arrangement or consolidation; provided, that all the mortgages made and executed by said railroad company shall be filed and recorded in the Department of the Interior, which shall be a sufficient evidence of their legal execution, and shall confer all the rights and property of said company as therein expressed: and provided also, that the proceeds of the sales of the aforesaid construction and land bonds shall be applied only in the construction, operation, and equipment of the contemplated railroad line; And provided further, That said mortgage shall in no wise impair or affect any lien existing on the property of said company or companies at or before the time of such consolidation.

SEC. 12. That whenever the said company shall complete the first and each succeeding section of twenty consecutive miles of said railroad and put it in running order as a first-class road in all its appointments, it shall be the duty of the Secretary of the Interior to cause patents to be issued conveying to said company the number of sections of land opposite to and coterminous with said completed road to which it shall be entitled for each section so completed. Said company, within two years after the passage of this act, shall designate the general route of its said road, as near as may be, and shall file a map of the same in the Department of the Interior; and when the map is so filed, the Secretary of the Interior, immediately thereafter, shall cause the lands within forty miles on each side of said designated route within the Territories, and twenty miles within the State of California, to be withdrawn from preemption, private entry, and sale; Provided, however, That the provisions of the act of September, eighteen hundred and forty-one, granting pre-emption rights, and the acts amendatory thereof, and of the act entitled "An Act to secure homesteads to actual settlers on the public domain," approved May twenty, eighteen hundred and sixty-two, and the amendments thereto, shall be, and the same are hereby, extended to all other lands of the United States on the line of said road when surveyed, except those hereby granted to said company.

SEC. 13. That the president of the company shall annually, by the first day of July, make a report and file it with the Secretary of the Interior, which report shall be under oath, exhibiting the financial situation of the company, the amount of money received and expended, and the number of miles of road constructed each year; and further, the names and residences of the stockholders, of the directors, and of all other officers of the company, the amount of stock subscribed, and the amount thereof actually paid in, a description of the lines of road surveyed and fixed upon for construction, the amount received from passengers and for freight, respectively, on the road, a statement of the expenses of said road and its fixtures, and a true statement of the indebtedness of said company and the various kinds thereof.

SEC. 14. That the certificate of the capital stock must be signed by the president and secretary, and attested by the seal of the company, and shall contain an extract from the proceedings of the board of directors fixing the amount thereof, as well as from this act, authorizing such issue. All the bonds and mortgages issued by said company must be signed by the president and secretary, and attested by the seal of said company, and shall contain an extract from the law authorizing them to be issued. The face value of said bonds shall be one thousand dollars in gold, and shall be redeemable at such times, and to bear such rate of interest, payable semi-annually in gold, as may be determined by the directors. The total value of the construction bonds to be issued shall not exceed thirty thousand dollars per mile of said railroad, and the total face value of the land bonds shall not exceed two dollars and fifty cents per acre for all lands mortgaged; the total amount of each to be determined by the board of directors.

SEC. 15. That all railroads constructed, or that may be hereafter constructed, to intersect said Texas Pacific railroad, shall have a right to connect with that line: that no discrimination as regards charges for freight or passengers, or in any other matter, shall be made by said Texas Pacific Railroad Company against any of the said connecting roads: but that the same charges per mile as to passengers, and per ton per mile as to freight, passing from the said Texas Pacific railroad over any of said connecting roads, or passing from any of said connecting roads over any part of said Texas Pacific railroad, shall be made by said company as they make for freight and passengers over their own road; Provided, also, That said connecting roads shall reciprocate said right of connection and equality of charges with said Texas Pacific railroad: And provided further, That the rates charged for carrying passengers and freight, per mile, shall not exceed the prices which may be fixed by Congress for carrying passengers and freight on the Union Pacific and Central Pacific railroads.

SEC. 16. That said road shall be constructed of iron or steel rails manufactured from American ore, except such as may have heretofore been contracted for by any railroad company which may be purchased or consolidated with by the company hereby incorporated, as provided by this act.

SEC. 17. That the said Texas Pacific Railroad Company shall commence the construction of its road simultaneously at San Diego, in the State of California, and from a point at or near Marshall, Texas, as hereinbefore described, and so prosecute the same as to have at least fifty consecutive miles of railroad from each of said points complete and in running order within two years after the passage of this act; and to so continue to construct each year thereafter a sufficient number of miles to secure the completion of the whole line from the aforesaid point on the eastern boundary of the State of Texas to the bay of San Diego, in the State of California, as aforesaid, within ten years after the passage of this act; and upon failure to so complete it, Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion.

SEC. 18. That the President of the United States, upon the completion of the first section of twenty miles, shall appoint one commissioner, whose duty it shall be to examine the various sections of twenty miles as they shall be completed, and report thereon to him in writing; and if, from such report, he be satisfied that said company has fully completed each section of its road, as in this act provided, he shall direct the Secretary of the Interior to issue patents to said company for the lands it is entitled to under this act, as fast as each section of said road is completed.

SEC. 19. That the Texas Pacific Railroad Company shall be, and it is hereby, declared to be a military and post road; and for the purpose of insuring the carrying the mails, troops, munitions of war, supplies and stores of the United States, no act of the company nor any law of any State or Territory shall impede, delay or prevent the said company from performing its obligations to the United States in that regard; provided, that said road shall be subject to the use of the United States for postal, military and all other governmental services at fair and reasonable rates of compensation, not to exceed the price paid by private parties for the same kind of service, and the government shall at all times have the preference in the use of the same for the purpose aforesaid.

SEC. 20. That it shall not be lawful for any of the directors, either in their individual capacity, or as members of an incorporated or joint stock company, to make any contracts or agreements with the said Texas Pacific Railroad Company for the construction, equipment or running of its road, or to have any interest therein; and all such contracts or agreements are hereby declared null and void, and all money or property received under such contracts or agreements may be recovered back for the benefit of the company by any stockholder.

SEC. 21. That any railroad company whose route lies across the route of the Texas Pacific railroad may cross the same, and for the purpose of crossing shall have the right to acquire at the double minimum price all lands, whether of the United States or granted by this act, which shall be needed for a right of way two hundred feet wide through said lands, and for depots, stations, side-tracks, and other needful purposes, not exceeding for such purposes forty acres at any one station.

SEC. 22. That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect by the most eligible route to be selected by said company with the said Texas Pacific railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rouge, thence by the way of Alexandria, in said State, to connect with the said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public lands per mile, in the State of Louisiana, as are by this act granted in the State of California, to said Texas Pacific Railroad Company; and said lands shall be withdrawn from market, selected, and patents issued therefor, and opened for settlement and pre-emption, upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company, within said State of California: Provided, That said company shall complete the whole of said road within five years from the passage of this act.

SEC. 23. That for the purpose of connecting the Texas Pacific railroad with the city of San Francisco, the Southern Pacific Railroad Company of California is hereby authorized (subject to the laws of California) to construct a line of railroad from a point at or near Tehachapa Pass, by way of Los Angeles, to the Texas Pacific railroad at or near the Colorado river, with the same rights, grants and privileges, and subject to the same limitations, restrictions, and conditions as were granted to said Southern Pacific Railroad Company of California, by the act of July twenty-seven, eighteen hundred and sixty-six: Provided, however, That this section shall in no way affect or impair the rights, present or prospective of the Atlantic and Pacific Railroad Company or any other railroad company.

Approved March 3, 1871.

[GENERAL NATURE—No. 61.]

AN ACT confirming the title to certain lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the title to the land certified to the State of Iowa by the Commissioner of the General Land Office of the United States, under an act of Congress entitled "An act confirming a land claim in the State of Iowa, and for other purposes," approved July twelve, eighteen hundred and sixty-two, in accordance with the adjustment made by the authorized agent of the State of Iowa and the Commissioner of the General Land Office, on the twenty-first day of May, anno Domini eighteen hundred and sixty-six, and approved by the Secretary of the Interior on the twenty-second day of May, anno Domini eighteen hundred and sixty-six, and which adjustment was ratified and confirmed by act of the general assembly of the State of Iowa, approved March thirty-one, eighteen hundred and sixty-eight, be, and the same is hereby ratified and confirmed to the State of Iowa and its grantees, in accordance with said adjustment, and said act of the general assembly of the State of Iowa; provided, that nothing in this act shall be so construed as to affect adversely any existing legal rights or the rights of any party claiming title or the right to acquire title to any part of said lands under the provisions of the so-called homestead or pre-empted laws of the United States, or claiming any part thereof as swamp lands.

Approved March 3, 1871.

[GENERAL NATURE—No. 53.]

An act making appropriations for the service of the Postoffice Department for the year ending June thirty, eighteen hundred and seventy-two, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated for the service of the Postoffice Department for the year ending June thirty, eighteen hundred and seventy-two, out of any moneys in the treasury arising from the revenues of said department, in conformity to the act of July two, eighteen hundred and thirty-six.

For inland mail transportation, twelve million three hundred and twenty-nine dollars.

For pay of mail messengers, five hundred and six thousand two hundred and fourteen dollars.

For pay of route agents, seven hundred and eighty-six thousand five hundred and sixty-nine dollars.

For pay of mail route messengers, fifty-nine thousand four hundred and four dollars.

For pay of local agents, forty-nine thousand and forty-four dollars.

For pay of railway postoffice clerks, five hundred and eighty-five thousand three hundred and thirty-eight dollars.

For pay of baggage masters in charge of through mails, five thousand dollars.

For foreign mail transportation, four hundred thousand dollars.

For ship, steamboat, and way letters, ten thousand dollars.

For pay of postmasters, five million one hundred thousand dollars.

For pay of clerks in postoffices, two million six hundred thousand dollars.

For pay of letter carriers, one million four hundred thousand dollars.

For wrapping paper, thirty-five thousand dollars.

For twine, thirty-five thousand dollars.

For letter balances, two thousand five hundred dollars.

For pay of blank agents, ten thousand dollars.

For office furniture, two thousand five hundred dollars.

For advertising, fifty thousand dollars; Provided, That no part of this sum shall be paid to any paper published in the District of Columbia for advertising mail routes other than those in Virginia and Maryland.

For manufacture of adhesive postage stamps, one hundred and fifty-nine thousand dollars.

For manufacture of postage-stamped envelopes and newspaper wrappers, four hundred and fourteen thousand two hundred dollars; Provided, That no envelope as furnished by the government shall contain any lithographing or engraving, and no printing except a printed request to return the letter to the writer.

For salary of distributing agents and assistants, and incidental expenses of agency, six thousand eight hundred dollars.

For mail depredations and special agents, one hundred and twenty-five thousand dollars.

For mail-bags and mail-bag catchers, one hundred and eighty thousand dollars.

For mail locks and keys, forty thousand dollars.

For post-marking and canceling stamps for postoffices, twelve thousand five hundred dollars.

For balances due foreign countries, two hundred thousand dollars.

For preparing and publishing post-route maps, twenty thousand dollars.

For rent of postoffices, two hundred thousand dollars.

For fuel for postoffices, one hundred thousand dollars.

For lights for postoffices, one hundred and ten thousand dollars.

For stationery and miscellaneous items for postoffices, forty thousand dollars.

For registered package envelopes, fifteen thousand dollars.

For official envelopes for use of postmasters, thirty thousand dollars.

For envelopes for return of dead letters to writers, four thousand dollars.

For fees to United States attorneys, clerks of courts, and United States marshals, ten thousand dollars.

For engraving, printing, and binding drafts and warrants, three thousand five hundred dollars.

For miscellaneous items, one thousand dollars.

That no money appropriated by this act shall be applied to the payment of the alleged claim against the United States in favor of George Chorpenning, now pending before the Sixth Auditor of the Treasury, or any part thereof.

SEC. 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated for the year ending June thirty, eighteen hundred and seventy-two, out of any money in the treasury not otherwise appropriated, namely:

For steamship service between San Francisco, Japan, and China, five hundred thousand dollars.

For steamship service between the United States and Brazil, one hundred and fifty thousand dollars.

For steamship service between San Francisco and the Sandwich Islands, seventy-five thousand dollars.

SEC. 3. That if the revenues of the Postoffice Department shall be insufficient to meet the appropriations made by this act, then the sum of three million nine hundred and sixty-nine thousand three hundred and eighty-three dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated, to supply deficiencies in the revenue of the Postoffice Department for the year ending June thirty, eighteen hundred and seventy-two.

SEC. 4. That all bidders, upon every mail route, for the transportation of mails upon the same, shall hereafter accompany their bids (where they exceed five thousand dollars) with a certified check or draft, payable to the order of the Postmaster General,