

EXHIBIT 15

IN THE SENATE OF THE UNITED STATES.

JANUARY 22, 1866.

Mr. POMEROY asked, and by unanimous consent obtained, leave to bring in the following bill; which was read twice, referred to the Committee on Public Lands, and ordered to be printed.

A BILL

For the improvement of the navigation of the Colorado river, and the construction of wagon roads in Arizona and Utah Territories.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That Oliver W. Barnes, John Wyeth, Thomas S. Fernon,
4 and Matthew Baird, of Pennsylvania; George Wilkes, Henry
5 C. Gardiner, Henry W. Barnes, Henry Martin, Beaman
6 Brockway, Melville C. Smith, Daniel T. Willets, John T.
7 Daly, Willis Gaylord, Henry M. Bennett, and Jasper K.
8 Herbert, of New York; George A. Johnson, Levi Parsons,
9 James Street, and Charles E. Hitchcock, of California; John
10 Sharp, Horace Eldridge, and Joseph A. Young, of Utah;
11 John N. Goodwin, William H. Hardy, Richard C. McCor-
12 mick, and Bethuel Phelps, of Arizona; John Allman, Ste-
13 phen T. Gage, and Addison E. Head, of Nevada, and their

14 associates and successors, be, and they are hereby, created a
15 body corporate under the name and style of "The Colorado
16 River and Utah Transportation Company," and as such to
17 have perpetual succession, with power to alienate, to sue and
18 be sued, plead and be impleaded, defend and be defended in
19 any court of law or equity of the United States; to make,
20 have, and use a corporate seal, and to do and perform all
21 the business provided for in this act. The capital stock
22 of said corporation shall consist of one hundred thousand
23 shares of one hundred dollars each, which shall be sold or
24 distributed in such manner as said corporation shall provide
25 in its by-laws, provided only that no one person may hold
26 more than ten thousand shares. The said stock shall be
27 transferable in such manner as the said corporation may by
28 its by-laws provide.

1 SEC. 2. *And be it further enacted,* That the said cor-
2 poration is hereby empowered to construct a wagon road
3 from the head of navigation on the Colorado river, as deter-
4 mined by the report of Lieutenant Ives, to Great Salt Lake
5 City, in the Territory of Utah; and also to construct a wagon
6 road from some point on the navigable waters of said river
7 to Prescott, the capital of the Territory of Arizona, the said
8 roads to be located, surveyed, and constructed under the
9 direction of three agents or commissioners appointed for that
10 service by the Secretary of the Interior, and to be chopped

11 out of a uniform width of at least six rods, the road-bed to
12 be at least thirty-two feet in width, and constructed with
13 such ditches, bridges, culverts, and sluices as may be neces-
14 sary, with water for teams and stock at least each twelve
15 miles.

1 SEC. 3. *And be it further enacted*, That there be, and
2 hereby is, granted unto the said corporation for the construc-
3 tion of said wagon roads, each alternate or odd section of
4 public land for six miles in width on each side of said roads :
5 *Provided*, That any and all lands heretofore reserved to the
6 United States by act of Congress or other competent author-
7 ity, be, and the same are, reserved from the operation of this
8 act, except so far as it may be necessary to locate the route
9 of said roads through the same, in which case and all others
10 the right of way is hereby granted to said corporation for
11 said roads.

1 SEC. 4. *And be it further enacted*, That said corpora-
2 tion shall, within two years from the passage of this act, file
3 in the General Land Office a plat and survey of the proposed
4 roads, with the lands claimed under this act; upon the filing
5 of which, said lands shall be reserved from public sale. And
6 it is hereby further provided that whenever any of said lands
7 shall fall upon minerals, mountains, or deserts, unfit for culti-
8 vation, or upon lands occupied by bona fide settlers before
9 the filing of said plat and survey, then the said corporation

10 may select other lands in lieu thereof, to be located in bodies
11 of not less than one section on any unoccupied lands on the
12 public domain within the Territories of Utah and Arizona for
13 a distance of twenty miles on each side of said road.

1 SEC. 5. *And be it further enacted*, That for the improve-
2 ment of the navigation of the Colorado river there be, and
3 hereby is, granted to the said corporation each alternate or
4 odd section of public land for six miles in width on each side
5 of said river, from the southern boundary of the United
6 States to the head of navigation on said river, as designated
7 in the report of Lieutenant Ives, upon the condition that the
8 said corporation shall, within two years from the passage of
9 this act, so improve said river as that steamboats drawing at
10 least three feet of water can freely navigate the same for at
11 least eight months in the year, and construct a wharf at the
12 mouth of the Colorado river, at such point as may be desig-
13 nated by the agents or commissioners aforesaid, sufficient for
14 the accommodation of the trade in exchanging freight and
15 passengers from sea-going vessels to the steamboats navigat-
16 ing the river, said wharf to be forever free to the use of the
17 United States government; and upon the further condition
18 that the said corporation shall, within two years from the
19 passage of this act, establish and maintain a line of steam-
20 boats, with suitable accommodations for freight and passen-
21 gers, starting at least once per week from each point—to wit,

22 from the wharf aforesaid and the head of navigation—and
23 continue the same for ten years from the passage of this act.

1 SEC. 6. *And be it further enacted*, That the aforesaid
2 roads shall be and remain forever free from tolls or other
3 charge upon the transportation of any property, troops, or
4 mails of the government of the United States; and no tolls
5 shall be collected on said roads beyond an amount necessary
6 to keep them in repair.

1 SEC. 7. *And be it further enacted*, That on the improve-
2 ment of said river, and establishment of said line of steam-
3 boats as herein provided, and proof thereof being made to the
4 Secretary of the Interior by the certificate of said agents or
5 commissioners, or other competent authority, the Secretary of
6 the Interior shall thereupon cause patents to be issued to said
7 corporation for the lands hereby granted for the improvement
8 of said river; and at any time thereafter when said agents or
9 commissioners shall certify that thirty consecutive miles of
10 either of said roads has been completed according to the pro-
11 visions of this act from any terminus of said roads, and that
12 said line of steamboats is being run as hereinbefore provided,
13 then the Secretary of the Interior shall cause patents to be
14 issued to the said corporation for the lands hereby granted,
15 corresponding to said thirty miles of road, and upon like cer-
16 tificates patents shall be issued until the said roads are com-
17 pleted throughout.

1 Sec. 8. *And be it further enacted,* That said corpora-
2 tion may organize by the meeting of any seven or more of
3 the incorporators herein named at any public place in the city
4 of New York, after not less than thirty days' notice given in
5 some public newspaper in said city, and said incorporators, or
6 so many of them as may be present, shall proceed to organize
7 by the election of a president, a secretary, and a treasurer,
8 who shall be of their number, and by the adoption of such
9 by-laws for the government of said corporation as they may
10 deem necessary to carry out its objects.

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CHAP. CLXIV.—*An Act to grant to certain parties herein named the right to construct and maintain a Turnpike or Toll Road from the Town of Sonora, in Tuolumne County, to the State Line in Mono County.*

[Approved March 5, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. B. W. Hathaway, T. J. Keys, James Allen, Wm. M. Lent, Timothy Paige, A. G. Bradbury, D. M. Kenfield, Geo. Wright, J. B. Douglass, N. G. French, their associates and assigns, are hereby authorized and empowered to construct and maintain a turnpike or wagon road from the Town of Sonora, in the County of Tuolumne, to the East Walker, at a point near Bridgeport, in Mono County, or to the State line, as the parties herein named may elect; and said company shall have the right of way, and may enter upon and occupy any public or private lands necessary to the location or construction of said road, and to take and use any timber, rock, earth, gravel, or any other material necessary to the construction and repair thereof, under the rights conferred and restrictions imposed upon railroad companies, approved May twentieth, one thousand eight hundred and sixty-one; and are also, by the provisions of this Act, authorized and empowered to run and locate said road upon the line run by the Engineers under an Act, approved March thirty-first, one thousand eight hundred and sixty-three, entitled an Act to provide for the construction of a wagon road from Sonora, Tuolumne County, to Aurora, Mono County, and to enter upon, finish, and use the same or so much thereof as they may deem advisable, for a term of twenty years from and after the passage of this Act.

Road chartered.

Privileges and restrictions.

SEC. 2. Said turnpike or wagon road shall be built in a good and substantial manner, the ascending and descending grades shall not exceed fourteen feet to the one hundred, with a roadway at least sixteen feet wide on all parts of said road where only timber, loose rocks, earth, or gravel are necessarily removed or used for filling in, and fifteen feet where blasting of rocks with powder is necessary to the excavation and construction of said road; but all bends and short turns shall be built with sufficient way room to allow two of any class of teams to pass each other without inconvenience, and without danger to life and limb.

Width of road.

SEC. 3. The parties named in section one of this Act shall be in readiness to commence the construction of said road, and shall have engaged, on or before the first day of May next ensuing, and have at work at one or more points on the line of said road, at least twenty-five laborers hired and employed by said parties, with suitable tools and implements, and engaged in the building and construction of said road; and the said parties shall, on or before the first day of June next ensuing, do or cause to be done work or labor, or made other outlay for and necessary to the construction of said road, amounting in the aggregate to the sum of five thousand dollars in value; and it is further stipulated and provided, that the said parties shall

\$25,000 to be expended by June.

build, or cause to be built, on or before the first day of September next, one single wagon road track, constructed in a good and substantial manner, with suitable turnouts in plain view of each other; and it is also further stipulated and provided, that the parties aforesaid shall build and complete said wagon road on or before the first day of October, Anno Domini one thousand eight hundred and sixty-five, in conformity with the provisions of section two of this Act; and in case the parties aforesaid shall fail to comply with any provision or condition contained in section three of this Act, the fact of their so failing shall work to the parties aforesaid a full and complete forfeiture of any and all rights, privileges, and benefits conferred on them by any provisions contained in this Act; and the said turnpike or wagon road, with all the improvements thereon, shall revert to the Counties of Tuolumne, San Joaquin, Stanislaus, and Mono, who shall build or cause to be built the said road in the form and manner hereinafter provided.

When to be completed.

Failure to work for forfeiture.

Right to collect tolls.

Rates of toll.

SEC. 4. In consideration of the construction of said road, and upon the further condition of keeping the same in good repair, the said parties shall have the exclusive right to erect toll gates, to demand and collect tolls thereon in such sums of money as they shall see fit, not to exceed the following rates, to wit:

For a horse or mule and rider, three dollars;

Stage, or any vehicle for carrying passengers, with two animals, six dollars; and one dollar and fifty cents for each additional animal;

One loaded wagon or vehicle, with two horses, or two mules, or one yoke of cattle attached, six dollars; and for every additional animal, one dollar and fifty cents each; when attached to empty wagons, half rates;

For any pleasure carriage, buggy, gig, or other vehicle, five dollars;

For each animal, or each loaded pack animal, two dollars; without loads, half rates;

For loose horses, mules, or cattle, fifty cents each;

For sheep, goats, or swine, twenty-five cents each.

Supervisors to fix toll after ten years.

The above rates of toll may be continued for the term of ten years from the passage of this Act, after which they shall be fixed by the Supervisors of Tuolumne County, subject to the approval of the Supervisors of the Counties of San Joaquin, Stanislaus, and Mono; and it is further provided, that said parties may, on completion of said single track wagon road, in conformity with the provisions contained in section three of this Act, charge half rates of toll on all animals attached to loaded or empty wagons, also, on all loaded or unloaded pack animals, and full rates of toll on all carriages, buggies, and other vehicles, and loose stock of every description; and may, also, on completion of any section of said road of the length of forty miles, charge tolls equal in amount to the ratio the said forty miles may bear to the whole length of said road when fully completed.

Tolls upon completion of single wagon road.

Tolls in proportion to miles constructed.

Duty of Supervisors.

SEC. 5. It shall be and is by this Act made the duty of the Supervisors of Tuolumne County, on and after the twenty-eighth day of April next ensuing, to make free and full inquiry into every preparation and provision made by the parties named

in section one of this Act, for building and constructing said turnpike or wagon road, and shall immediately and at any time, upon being fully satisfied that any provision or condition named and made in section three of this Act has not been complied with, notify the Supervisors of the Counties of San Joaquin, Stanislaus, and Mono, to meet said Supervisors within ten days from the date of the notice at Knight's Ferry, the county seat of Stanislaus County, and at said meeting said Supervisors may attend either in person or be represented by a Deputy or Deputies, and in the transaction of all business the Counties of Tuolumne and San Joaquin shall have two votes each, and the Counties of Mono and Stanislaus one vote each, to be cast in the mode and manner that the Supervisors or their Deputies so meeting, or a majority of them, shall agree upon; and said Supervisors of the Counties of Tuolumne, Stanislaus, San Joaquin, and Mono, so represented, shall have full powers to declare all rights, privileges, and benefits granted to said parties named in section one of this Act forfeited, and the road vacant; and said Supervisors shall have full power to let and grant a franchise on the line of said proposed turnpike and wagon road, for a term not to exceed twenty years, to such person or persons upon such terms and conditions as shall seem to them most favorable to and promotive of the interests of the people of said counties. Said Supervisors may advertise for bids for a term not to exceed three weeks in one newspaper in each of the Counties of San Francisco, Tuolumne, and San Joaquin; and in the letting or granting of said franchise to any party or parties, they may require such good and sufficient bonds, to be filed in the office of the County Clerk of Stanislaus County, as they may deem wise and proper, for the faithful performance of all the covenants and conditions which the recipients or grantees of said franchise may covenant and agree to.

Supervisors' right to grant franchise.

SEC. 6. An Act entitled an Act to provide for the construction of a wagon road from Sonora, Tuolumne County, to Aurora, Mono County, passed March thirty-first, eighteen hundred and sixty-three, is hereby repealed; *provided*, that this repeal shall not affect any contracts, or the validity of any bonds issued or provided to be issued, or the acts of any officers mentioned and referred to in said Act.

Repealing clause.

SEC. 7. This Act shall take effect from and after its passage.

CHAP. CLXV.—*An Act to extend the time to construct a Toll Bridge across Feather River, near Oroville, in Butte County.*

[Approved March 12, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The provisions of section two of an Act entitled an Act to grant the right to construct a toll bridge across Feather River, near Oroville, in Butte County, approved April twenty-

Time extended to build bridge.

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transfer, or other satisfactory evidence of his being entitled to the benefits of this Act.

SEC. 2. And be it further enacted, that if any person named in the fourth section of this Act has died since his enlistment, or shall hereafter die by reason of any wound received or disease contracted while in the service of the United States, his legal heir or heirs shall be entitled to and receive the amount due him at the time of his death, in the order following, to wit:

To whom bounties of deceased soldiers shall be paid.

First—To the widow of such deceased soldier, if there be one;

Second—If there be no widow, then to the children of such deceased soldier, share and share alike;

Third—If such soldier left neither a widow, nor child, nor children, then and in that case such bounty shall be paid to the following persons; *provided*, they be residents of the United States, to wit: 1st—To his father, or if he shall not be living, or has abandoned the support of his family, then to the mother of such soldier; and if there be neither father nor mother, as aforesaid, then such bounty or sum due shall be paid to the brothers and sisters of the deceased soldier, resident as aforesaid; *provided*, the benefits of this Act shall apply only to loyal citizens of the United States.

SEC. 3. It shall be the duty of the Adjutant-General to certify to copies of discharges, final statements, or other papers and documents, (whenever the same cannot be conveniently procured from the United States proper army officers,) required to perfect claims of applicants under this Act.

Duty of Adjutant-General.

SEC. 4. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

CHAP. CLXXXVIII.—*An Act to authorize R. C. Kirby and others to construct and maintain a Turnpike Road from the Town of Santa Cruz to a point near the line of the San Francisco and San José Railroad, and to charge and collect tolls for travel thereon.*

[Approved March 15, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. B. C. Whiting, of Monterey; R. C. Kirby, S. W. Field, and W. N. Slocum, of Santa Cruz; J. G. A. Thurber, B. G. Lathrop, T. G. Phelps, J. O. Shaw, Horace Templeton, and William Page, of San Mateo County; Frank R. Sleeper, of Santa Clara county; Leander Ransom, R. H. Waller, Wm. A. Dana, and John White, of San Francisco, and their associates and assigns, are hereby authorized to construct and maintain a turnpike and toll road from the Town of Santa Cruz, following as nearly as practicable the course of the San Lorenzo River, and then by the most direct and feasible route, to be ascertained by the survey of competent engineers, to some point on the county road leading from Redwood City to Searsville, in San Mateo

Right to construct toll road.

Restrictions	County, or some point on the county road known as the Templeton Mills Road, in said county; <i>provided</i> , that nothing in this Act shall have effect to authorize the erection of toll gates upon or the obstruction in any manner of any county road, or the collection of tolls for the use of any portion of such county road.
Time franchise to extend.	SEC. 2. The said R. C. Kirby, and others named in section first of this Act, and their associates and assigns, shall have full power to build and maintain a toll and turnpike road from said Town of Santa Cruz to the said northern terminus in San Mateo County, by the route so as aforesaid to be surveyed and ascertained, and to have and enjoy all the rights, privileges, and immunities thereto belonging or in any wise appertaining, and shall have and maintain a right and property in and over said road, which is hereby ceded and granted to them, together with all the powers and privileges in this Act mentioned, for the term of twenty years from the completion of the one half of said road. The aforesaid rights and privileges are granted by the State of California upon the express condition that within one year from the passage of this Act the said above named persons and their associates and assigns, shall cause the entire route of the said road to be surveyed by competent engineers, and definitely establish the said route, including the northern terminus, and shall expend at least two thousand dollars in the actual construction of said road, exclusive of cost of survey, and within two years complete the said turnpike road; and it is, further, <i>provided</i> , that the said above named persons, and their associates and assigns, may at any time before the commencement of said road incorporate themselves under the general laws of the State regulating corporations for such purposes, under the name of the "San Lorenzo Turnpike Road Company," with such capital stock as they may deem necessary for the construction and maintenance of said road, and may transfer to said incorporation all the rights and privileges, franchises, and immunities hereby granted.
Conditions.	
May incorporate.	
Rights and damages.	SEC. 3. The same rights as those now extended by the laws of this State to plank and turnpike road companies in relation to the taking of property for the use of plank and turnpike roads, are hereby extended to the said persons named in the first section of this Act, and their associates and assigns, and the damage to be paid in the same manner as provided in the law for the formation of said plank and turnpike road companies.
How must be constructed.	SEC. 4. The said turnpike road shall be constructed of sufficient solidity to admit of the passage of heavy freight and lumber teams, and shall be kept at all seasons in condition for travel thereon by the same, and of sufficient width to allow said wagons or teams to pass each other when meeting on said road.
Boards of Supervisors to fix tolls.	SEC. 5. Upon the completion of said road the said turnpike road company shall report to the Board of Supervisors of the several counties, respectively, through which such road shall pass, the number and location of toll gates erected in said counties on said road, and the amount of money expended in the location and construction of said road and toll gates in each

county, separately stated, duly verified by affidavit, and thereupon said Boards of Supervisors, respectively, shall from time to time establish the rates of toll to be collected upon said road within their respective limits; *provided*, said rates shall not be reduced so as to produce a less income than fifteen per cent per annum upon the cost of constructing said road and toll gates, over and above the expenses of collecting and keeping said road in repair; *provided*, also, that said company is hereby authorized and empowered to collect pro rata tolls on said road when one half the distance shall be completed, and said Boards shall respectively fix said pro rata tolls accordingly.

SEC. 6. Said company, in addition to the powers hereinbefore granted, shall have all the right to enter upon and occupy private lands necessary to the location of said road, and take or use any timber, earth, rock, gravel, or other materials necessary to the construction and repair thereof, which are conferred upon railroad companies by an Act for the incorporation of railroad companies, approved May twentieth, eighteen hundred and sixty-one, and the several Acts amendatory thereof.

Laws regulating railroad companies to apply

SEC. 7. At any time after the lapse of ten years from the completion of said road, if the several counties through which it may be constructed shall elect to purchase said road, the said turnpike road company shall be bound to sell to the several counties aforesaid such portion of said road as shall pass through them respectively, or to the several counties jointly; *provided*, the whole of the said turnpike road be included in the purchase, and upon payment to the said company, in United States gold coin, of the original cost of the construction of the said turnpike road and its necessary appurtenances, together with five per cent interest per annum in addition to the cost of construction.

Counties may purchase road.

SEC. 8. The Act of May twelfth, eighteen hundred and fifty-three, authorizing the formation of corporations for the construction of plank and turnpike roads, is hereby extended and made applicable to the corporation formed in pursuance of the present Act, so far as the provisions of the former do not conflict with the provisions of the latter.

Law of May 12, 1853, to apply.

SEC. 9. This Act shall take effect from and after its passage.

CHAP. CLXXIX.—*An Act concerning Roads and Highways in the County of Sierra.*

[Approved March 16, 1864.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Sierra County, at their first meeting after the passage of this Act, and annually at their first meeting in February thereafter, shall levy a road poll tax on all the male inhabitants, California Indians excepted, of said county, between the ages of twenty-one and fifty

Supervisors shall levy road poll tax