

America, then in such case sixty miles in depth from said boundary line shall be set apart, and disposed of to the said Company upon the conditions hereinafter declared, and for the purposes of enabling the said Company from 5 the sale and settlement of said lands, to construct the Railroad as aforesaid, from Lake Superior to the Pacific.

XVII. And be it enacted, That no part of the lands embraced by the provisions of this Act shall be applied under its authority, and for the objects specified in the 10 same, except under the following terms and conditions, to wit: The said Company shall first fix upon and locate the route for said Road, for not less a distance than ten miles; they shall also commence the work by making preparations for settlers and workmen, and machinery, 15 and arrangements for carrying on the work, and for its continuance, and complete ten miles of Road according to the best and most approved plan of constructing Railroads with a single track, on a guage of width not less than five feet six inches, with an iron rail of the most 20 approved description, and to the satisfaction of a Commissioner or person appointed by Government, upon whose report and certificate that the said Road has been substantially made and constructed, and is in conformity with the requirements of this Act; thereupon the said 25 Company shall be entitled to receive patents, for the first five miles, by thirty on each side of the line of Road, or of five miles by sixty, so set apart for the construction of said Road. Said patent to be delivered to said Company, whereby it may be enabled to grant and confer title to purchasers 30 or purchaser under contract with said Company, and the title shall be the same as if such purchasers or purchaser had purchased directly from and paid to the Government the amount agreed upon for such lands; the other half or five miles by sixty, or by thirty upon each side of the 35 line of Road, and the Road, with all its machinery, shall also be held by the Government, as a security that the work be continued, and when five more miles shall have been completed, as aforesaid, then the said five miles of Road by sixty or by thirty upon each side of the 40 line of Road, as aforesaid, shall be conveyed by patent to the Company in manner aforesaid, and in like manner throughout the whole route, always keeping in advance of the lands patented to the Company, five miles of Railroad, in manner aforesaid, and where such five miles or 45 more of Railroad, as aforesaid, shall pass over unavailable lands, or unsaleable, or inadequate to the purpose, or shall be found of not sufficient value to pay for the construction of said Road through such lands so set apart as aforesaid, and the outlay for any five miles of Road shall 50 be found to exceed the sum for which the whole land of thirty miles upon each side of the Road, or of the sixty from the boundary line as aforesaid, can be sold for, and this fact being certified to the Government, then the said

Terms upon which the Road shall be built, &c.