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"Pacific Telegraph Act of 1860"

"An Act to Facilitate Communication between the Atlantic and Pacific States by Electric Telegraph"

**Chapter 137, U.S. Statutes
36th Congress, 1st Session**

June 16, 1860

By 1860 a strong commercial demand had developed in the United States to construct a telegraph line across the vastness of the Western plains to link the Atlantic and Pacific coasts by copper wire. Although many believed such a line would be impossible to build and maintain, on June 16, 1860, Congress passed, and President James Buchanan signed, the "**Pacific Telegraph Act of 1860**" which authorized the Secretary of the Treasury to seek bids to construct such a transcontinental telegraph line. When the only other two original bidders dropped out, [Hiram Sibley](#) of the [The Western Union Telegraph Company](#) (established in 1851 as The New York and Mississippi Valley Printing Telegraph Company and renamed Western Union in 1856), became the only bidder left and won the contract by default.

Sibley organized the [The Pacific Telegraph Company of Nebraska](#) for the purpose of building the eastern section of the line and sent his protégé and eventual successor, [Jephtha H. Wade](#), to California to consolidate small local companies there with [The California State Telegraph Company](#). They organized [The Overland Telegraph Company of California](#) which handled construction eastward from Carson City, Nevada, joining with the existing California lines, to Salt Lake City, Utah. Sibley's Pacific Telegraph Company built westward from Omaha, Nebraska, and the new line was completed on October 24, 1861.

Both companies were soon merged into Western Union while further consolidations took place over the next several years as many companies merged with [The American Telegraph Company](#) which had originally been formed in 1855. With the expiration of the [Morse patents](#), several organizations were combined in 1864 under the name of [The U.S. Telegraph Company](#), and in 1866 a final consolidation took place among all these entities with Western Union. --BCC

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"AN ACT TO FACILITATE COMMUNICATION BETWEEN THE ATLANTIC AND PACIFIC STATES BY ELECTRIC TELEGRAPH"

PASSED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES AND APPROVED BY THE PRESIDENT, JUNE 16, 1860.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, under the direction of the President of the United States, is hereby authorized and directed to advertise for sealed proposals, to be received for sixty days after the passage of this act, (and the fulfillment of which shall be guaranteed by responsible parties, as in the case of bids for mail contracts,) for the use by the government of a line or lines of magnetic telegraph, to be constructed within two years from the thirty-first day of July, eighteen hundred and sixty, from some point or points on the west line of the State of Missouri, by any route or routes which the said contractors may select, (connecting at such point or points by telegraph with the cities of Washington, New Orleans, New York, Charleston, Philadelphia, Boston, and other cities in the Atlantic, Southern, and Western States, to the city of San Francisco, in the State of California, for a period of ten years, and shall award the contract to the lowest responsible bidder or bidders, *provided* such proffer does not require a larger amount per year from the United States than forty thousand dollars ; and permission is hereby granted to the said parties to whom said contract may be awarded, or a majority of them, and their assigns, to use until the end of said term, such unoccupied public lands of the United States as may be necessary for the right of way and for the purpose of establishing stations for repairs along said line, not exceeding at any station one-quarter section of land, such stations not to exceed one in fifteen miles on an average of the whole distance, unless said lands shall be required by the government of the United States for railroad or other purposes, and *provided* that no right to preempt any of said lands under the laws of the United States shall inure to said company, their agents or servants, or to any other person or persons whatsoever : *Provided*, That no such contract shall be made until the said line shall be in actual operation, and payments thereunder shall cease whenever the contractors fail to comply with their contract ; that the government shall at all times be entitled to priority in the use of the line or lines, and shall have the privilege, when authorized by law, of connecting said line or lines by telegraph with any military posts of the United States, and to use the same for government purposes : *And provided*, also, That said line or lines, except such as may be constructed by the government to connect said line or lines with the military posts of the United States, shall be open to the use of all citizens of the United States during the term of said contract, on payment of the regular charges for transmission of dispatches : *And provided*, also, That such charges shall not exceed three dollars for a single dispatch of ten words, with the usual proportionate reductions upon dispatches of greater length, provided that nothing herein contained shall confer upon the said parties any exclusive right to construct a telegraph to the Pacific., or debar the government of the United States from granting from time to time, similar franchises and privileges to other parties.

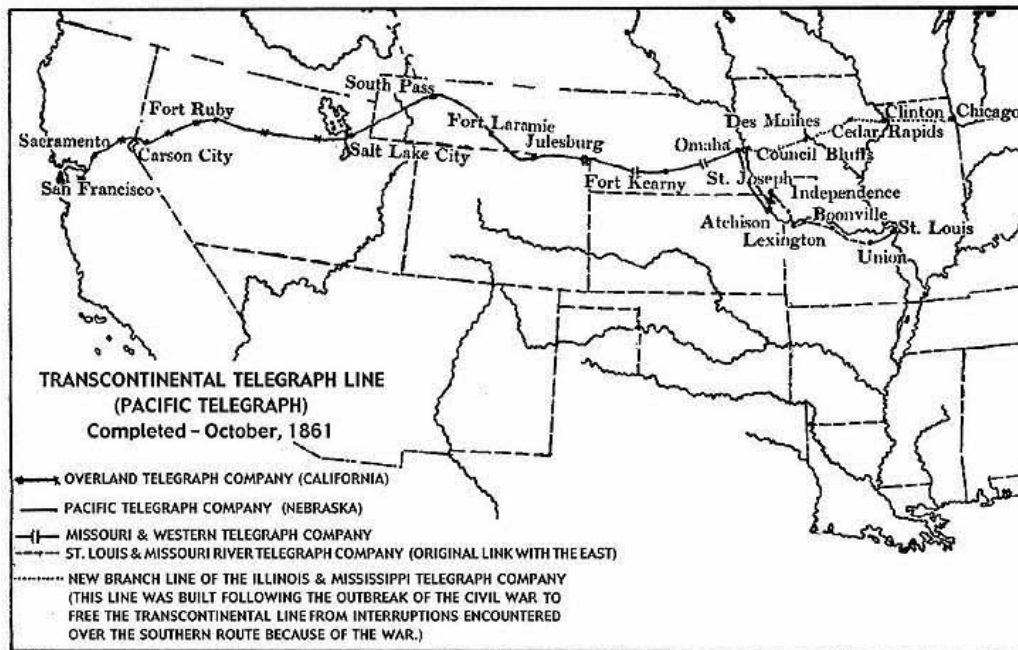
Sec. 2. *And be it further enacted*, That the said contractors, or their assigns, shall have the right to construct and maintain, through any of the territories of the United States, a branch line, so as to connect their said line or lines with Oregon ; and that they shall have the permanent right of way for said line or lines, under, or over, any unappropriated public lands and waters in the said territories, by any route or routes which the said contractors may select, with the free use during the said term of such lands as may be necessary for the purpose of establishing stations for repairs along said line or lines, not exceeding, at any station, one quarter-section of land, such stations not to exceed one in fifteen miles or an average of the whole distance ; but should any of said quarter-sections be deemed essential by the government, or any company acting under its authority, for railroad purposes, the said contractors shall relinquish the occupancy of so much as may be necessary for the railroad, receiving an equal amount of land for like use in its stead.

Sec. 3. *And be it further enacted*, That if, in any year during the continuance of the said contract, the business done for the government, as hereinbefore mentioned, by such contractors or their assigns, shall, at the ordinary rate of charges for private messages, exceed the price contracted to be paid as aforesaid, the Secretary of the Treasury shall, upon said accounts being duly authenticated, certify the amount of such excess to Congress : *Provided*, That the use of the line be given, at any time, free of cost, to the Coast Survey, the Smithsonian Institution, and the National Observatory, for scientific purposes : *And Provided further*, That messages received from any individual, company, or corporation, or from any telegraph lines connecting with this line at either of its termini, shall be impartially transmitted in the order of their reception, excepting that the dispatches of the government shall have priority : *And provided further*, That Congress shall at any time have the right to alter or amend this act.

Approved, June 16, 1860.

36 Cong., 1 Sess., Chapter 137.

Map of the First Pacific Telegraph, 1861



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