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

[PUBLIC. No. 185.]

AN ACT making appropriations for the support of the army for the year ending June thirty, eighteen hundred and seventy-one, 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 out of any moneys in the treasury not otherwise appropriated, for the support of the army for the year ending the thirtieth of June, eighteen hundred and seventy-one:

For expenses of recruiting and transportation of recruits, four hundred and seventy-two thousand dollars.

For pay of army, twelve million nine hundred and thirty-five thousand three hundred and ninety dollars.

For commutation in lieu of forage for officers' horses, where the same is not furnished by the Quartermaster's department, two thousand dollars.

For payment to discharged soldiers for clothing not drawn, two hundred thousand dollars. And the proper accounting officers of the treasury are hereby authorized and required to transfer from any surplus of the past appropriations for the "pay of the the army, or of the volunteers," not otherwise disposed of by law, such sum as may be sufficient to cover deficiencies in the appropriations "for payments to discharged soldiers for clothing not drawn," for the fiscal year ending June thirtieth, eighteen hundred and seventy.

For subsistence in kind for regular troops and employe[e]s, four million thirteen thousand nine hundred and seventy-seven dollars and twenty-two cents.

For contingencies of the army, eighty thousand dollars.

For army medical museum, five thousand dollars.

For medical and other necessary works for the library of Surgeon General's office, three thousand dollars.

For expenses of Commanding General's office, five thousand dollars.

For expenses of the signal service of the army, five thousand dollars.

For regular supplies of the Quartermaster's department, to wit: For fuel for officers, enlisted men, guards, hospitals, storehouses, and offices; of forage in kind for the horses, mules, and oxen of the Quartermaster's department at the several posts and stations, and with the armies in the field, for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry as may be mounted, and for the authorized number of officers' horses when serving in the field, and at the outposts, including bedding for the animals; of straw for soldiers' bedding; and of stationery, including blank books for the Quartermaster's department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's departments, and for printing of division and department orders and reports, four million five hundred thousand dollars.

For the general and incidental expenses of the Quartermaster's department, consisting of postage on letters and packets received and sent by officers of the army on public service; expenses of courts-martial, military commissions, and courts of inquiry, including the additional compensation of judge advocates, recorders, members and witnesses while on that service, under the act of March sixteen, eighteen hundred and two; extra pay to soldiers employed under the direction of the Quartermaster's department, in the erection of barracks, quarters, storehouses, and hospitals, in the construction of roads, and other constant labor, for periods of not less than ten days, under the acts of March two, eighteen hundred and nineteen, and August four, eighteen hundred and fifty-four, including those employed as clerks at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains where military escorts cannot be furnished; expenses of the interment of officers killed in action, or who die when on duty in the field, or at posts on the frontiers, or at posts and other places when ordered by the Secretary of War, and of non-commissioned officers and solders; authorized office furniture; hire of laborers in the Quartermaster's department, including the hire of interpreters, spies, and guides for the army; compensation of clerks to officers of the Quartermaster's department; compensation of forage and wagon masters, authorized by the act of July five, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry as may be mounted, viz: the purchase of travelling forges, blacksmith and shoeing tools, horse and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons, medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named; also, generally, the proper and authorized expenses for the movement and operations of an army, not expressly assigned to any other department, eight hundred thousand dollars.

For mileage, or the allowance made to officers of the army for the transportation of themselves and their baggage, when travel-[l]ing on duty without troops, escorts or supplies, fifty thousand dollars.

For taking meterological observations and giving notice on northern lakes and seaboard of approach and force of storms, fifty thousand dollars.

For transportation of the army, including baggage of the troops when moving either by land or water, of clothing, camp, and garrison equipage from the depots of Philadelphia, Cincinnati, and New York to the several posts and army depots, and from those depots to the troops in the field; and of subsistence stores from the places of purchase, and from the places of delivery under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small-arms from the founderies and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels, and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts, hire of teamsters, transportation of funds for the pay and other disbursing departments, the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as, from their situation, require it to be brought from a distance; and for clearing roads and removing obstructions from roads, harbors, and rivers to the extent which may be required for the actual operation of the troops in the field, five million dollars.

For hire or commutation of quarters for officers on military duty, hire of quarters for troops, of storehouses for the safe-keeping of military stores, and of grounds for summer cantonment; for the construction of temporary huts, hospitals and stables; and for repairing public buildings at established posts, seven hundred and fifty thousand dollars.

For the ordnance service required to defray the current expenses at the arsenals, of receiving stores and issuing arms and other ordnance supplies, of police and office duties, of rents, tolls, fuel and lights; of stationery and office furniture; of tools and instruments for use; of public animals, forage and vehicles; incidental expenses of the ordnance service, including those attending practical trials and tests of ordnance, small arms and other ordnance supplies, one hundred and fifty thousand dollars; provided, that no money appropriated by this act shall be used to pay for any new cannon or small arms.

For establishing and maintaining national cemeteries, three hundred thousand dollars; provided, that twenty thousand dollars of this amount be expended in planting and cultivating trees and shrubs in the several cemeteries.

SEC. 2. And be it further enacted, That the President be, and he is hereby, authorized and directed, on or before the first day of July, eighteen hundred and seventy-one, to reduce the number of enlisted men in the army to thirty thousand, and thereafter there shall be no more than thirty thousand enlisted men in the army at any one time, unless otherwise authorized by law.

SEC. 3. And be it further enacted, That the President be, and he is hereby, authorized, at his discretion, honorably to discharge from the service of the United States officers of the army who may apply therefor on or before the first of January next; and such officers so discharged under the provisions of this act shall be entitled to receive, in addition to the pay and allowances due them at the date of their discharge, one year's pay and allowances.

SEC. 4. And be it further enacted, That the President be, and he is hereby, authorized, at his discretion, to place on the retired list of the army, on their own application, any commissioned officers who have been thirty years in the service, and the officers who may be retired by virtue of this section, shall be entitled to the same pay and emoluments as are now allowed, or may be hereafter allowed, to officers retired from active service.

SEC. 5. And be it further enacted, That the proviso of the sixteenth section of the act approved August three, eighteen hundred and sixty-one, limiting the number of officers on the retired list to seven per centum of the whole number of existing officers, be, and the same is hereby, repealed, and hereafter the number of officers who may be retired in accordance with existing laws shall be in the discretion of the President: Provided, That the whole number on the retired list shall at no time exceed three hundred.

SEC. 6. And be it further enacted, That the offices of General and Lieutenant General of the Army shall continue until a vacancy shall occur in the same, and no longer; and when such vacagey shall occur in either of said offices, immediately thereupon all laws and parts of laws creating said office shall become inoperative, and shall; by virtue of this act, from thenceforward be held to be repealed.

SEC. 7. And be it further enacted, That no appointment to the grade of major general shall be made until the number of officers of that grade is reduced below three; after which the number of major generals shall not exceed three.

SEC. 8. And be it further enacted, That no appointment to the grade of brigadier general shall be made until the number of officers of that grade is reduced below six; after which the number of brigadier generals shall not exceed six.

SEC. 9. And be it further enacted, That the grade of regimental commissary in the several cavalry regiments is hereby abolished; and the lieutenants now holding the appointments of regimental commissary may be assigned for duty to companies of their regiments, and shall fill the first vacancies that may occur in their respective grades of first or second lieutenant in the regiments to which they now belong; and nothing herein contained shall affect their relative ranks with other lieutenants of their grade.

SEC. 10. And be it further enacted, That the grades of regimental commissary sergeant and regimental hospital steward are hereby abolished. The number of corporals in each company of cavalry, artillery and infantry shall be reduced to four; and the said non-commissioned officers shall have the privilege of receiving an honorable discharge, with full pay and allowances to the actual date thereof, if they so elect, in preference to remaining in the service in such other grades as may be assigned to them by the Secretary of War.

SEC. 11. And be it further enacted, That the General of the army and commanding officers of the several military departments of the army, shall, as soon as practicable after the passage of this act, forward to the Secretary of War a list of officers serving in their respective commands deemed by them unfit for the proper discharge of their duties from any cause except injuries incurred or disease contracted in the line of their duty, setting forth specifically in each case the cause of such unfitness. The Secretary of War is hereby authorized and directed to constitute a board to consist of one major general, one brigadier general and three colonels, three of said officers to be selected from among those appointed to the regular army on account of distinguished services in the volunteer force during the late war, and on recommendation of such board the President shall muster out of the service any of the said officers so reported, with one year's pay; but such muster-out shall not be ordered without allowing such officer a hearing before such board to show cause against it.

SEC. 12. And be it further enacted, That the President is hereby authorized to transfer officers from the regiments of cavalry, artillery and infantry to the list of supernumeraries; and all vacancies now existing, or which may occur prior to the first day of January next, in the cavalry, artillery or infantry, by reason of such transfer, or from other causes, shall be filled in due proportion by the supernumerary officers, having reference to rank, seniority and fitness, as provided in existing law regulating promotions in the army. And if any supernumerary officers shall remain after the first day of January next, they shall be honorably mustered out of the service with one year's pay and allowances; provided, that vacancies now existing in the grade of second lieutenants, or which may occur prior to said date, may be filled by the assignment of supernumerary first lieutenants or officers of higher grades, who, when so assigned, shall rank as second lieutenants, providing (provided) such officers shall prefer to be so assigned, instead of being mustered out under the provisions of this section; and officers so assigned shall take rank from the date of their original entry into the service; and provided further, that no chaplain be appointed to posts or regiments until those on waiting orders are assigned.

SEC. 13. And be it further enacted, That the professors of the United States Military Academy, whose service in the army and at the academy exceeds thirty-five years, shall have the pay of colonel, and those whose like service is less than thirty-five, but exceeds twenty-five years, shall have the pay of lieutenant colonel; and all other professors shall have the pay of major; and hereafter there shall be allowed and paid to said professors ten per centum of their current yearly pay for each and every term of five years' continuous service; provided, that such addition shall in no case exceed forty per centum of said yearly pay; and said professors are hereby placed upon the same footing as regards retirement from active service as officers of the army.

SEC. 14. And be it further enacted, That the pay and allowances of enlisted men of the army shall remain as now fixed by law until the thirtieth of June, eighteen hundred and seventy-one; and it shall be unlawful for any officer to use any enlisted man as a servant in any case whatever.

SEC. 15. And be it further enacted, That section two of the act entitled "An act making appropriations for the support of the army for the year ending June thirty, eighteen hundred and sixty-eight, and for other purposes," approved March two, eighteen hundred and sixty-seven, be, and the same is hereby, repealed.

SEC. 16. And be it further enacted, That hereafter no officer shall be entitled to wear while on duty any uniform other than that of his actual rank, on account of having been brevetted; nor shall he be addressed in orders or official communications by any title other than that of his actual rank.

SEC. 17. And be it further enacted, That the President of the United States be, and he is hereby, authorized to drop from the rolls of the army for desertion, any officer who is now, or who may hereafter be, absent from duty three months without leave; and any officer so dropped shall forfeit all pay and allowances due or to become due, and shall not be eligible for reappointment.

SEC. 18. And be it further enacted, That it shall not be lawful for any officer of the army of the United States on the active list to hold any civil office, whether by election or appointment, and any such officer accepting or exercising the functions of a civil office shall at once cease to be an officer of the army, and his commission shall be vacated thereby.

SEC. 19. And be it further enacted, That nothing in this act shall be construed to prevent the assignment to duty, as additional second lieutenant, of the graduates of the Military Academy.

SEC. 20. And be it further enacted, That the Secretary of War shall prepare a system of general regulations for the administration of the affairs of the army, which, when approved by Congress, shall be in force and obeyed until altered or revoked by the same authority; and said regulations shall be reported to Congress at its next session: Provided, That said regulations shall not be inconsistent with the laws of the United States.

SEC. 21. And be it further enacted, That the Secretaries of War and the Navy be, and they are hereby, authorized and directed so to arrange the course of studies and the order of relations at the Military and Naval Academies that the students in said institutions will not be required to pursue their studies on Sunday.

SEC. 22. And be it further enacted, That from and after the passage of this act the Secretary of War be, and he is hereby, authorized to permit one or more trading establishments to be maintained at any military post on the frontier not in the vicinity of any city or town, when, in his judgment, such establishment is needed for the accommodation of emigrants, freighters, and other citizens; and the persons to maintain such trading establishments shall be appointed by him; provided, that such traders shall be under protection and military control as camp followers. The joint resolution approved March thirty, eighteen hundred and sixty-seven, to authorize the commanding General of the Army to permit traders to remain at certain military posts is hereby repealed.

SEC. 23. And be it further enacted, That any retired officer may, on his own application, be detailed to serve as professor in any college; but while so serving such officer shall be allowed no additional compensation.

SEC. 24. And be it further enacted, That the pay of the officers of the army shall be as follows: The pay of the General shall be thirteen thousand five hundred dollars a year; Lieutenant General shall be eleven thousand dollars a year; the pay of major general shall be seven thousand five hundred dollars; the pay of brigadier general shall be five thousand five hundred dollars; the pay of colonel shall be three thousand five hundred dollars; the pay of lieutenant colonel shall be three thousand dollars; the pay of major shall be two thousand five hundred dollars; the pay of captain, mounted, shall be two thousand dollars; the pay of captain, not mounted, shall be eighteen hundred dollars; the pay of adjutant shall be eighteen hundred dollars; the pay of regimental quartermaster shall be eighteen hundred dollars; the pay of first lieutenant, mounted, shall be sixteen hundred dollars; the pay of first lieutenant, not mounted, shall be fifteen hundred dollars; the pay of second lieutenant, mounted, shall be fifteen hundred dollars; the pay of second lieutenant, not mounted, shall be fourteen hundred dollars; the pay of chaplain shall be fifteen hundred dollars; the pay of aide-de-camp to major general shall be two hundred dollars per annum in addition to pay of his rank; the pay of aide-de-camp to brigadier general shall be one hundred and fifty dollars per annum in addition to pay of his rank; the pay of acting assistant commissary shall be one hundred dollars in addition to pay of his rank; and there shall be allowed and paid to each and every commissioned officer below the rank of brigadier general, including chaplains and others having assimilated rank or pay, ten per centum of their current yearly pay for each and every term of five years service: Provided, That the total amount of such increase for length of service shall in no case exceed forty per centum on the yearly pay of his grade as established by this act: And provided further, That the pay of a colonel shall in no case exceed four thousand five hundred dollars per annum, nor the pay of a lieutenant colonel four thousand dollars per annum, and these sums shall be in full o all commutation of quarters, fuel, forage, servants' wages and clothing, longevity rations, and all allowances of every name and nature whatever, and shall be paid monthly by the paymaster: Provided, That fuel, quarters, and forage in kind may be furnished to officers by the Quartermaster's department, as now allowed by law and regulations: And provided further, That when any officer shall travel under orders, and shall not be furnished transportation by the Quartermaster's department, or on a conveyance belonging to or chartered by the United States, he shall be allowed ten cents per mile, and no more, for each mile actually by him traveled under such orders, distances to be calculated according to the nearest post routes; and no payment shall be made to any officer except by a paymaster of the army. Officers retired from active service shall receive seventy-five per centum of the pay of the rank upon which they are retired.

SEC. 25. And be it further enacted, That every private soldier and officer who has served in the army of the United States during the rebellion, for ninety days, and remained loyal to the government, and every seaman, marine, and officer, or other person, who has served in the navy of the United States, or in the marine corps or revenue marine, during the rebellion, for ninety days, and remained loyal to the government, shall, on payment of the fee or commission to any register or receiver of any land office required by law, be entitled to enter one quarter section of land, not mineral, of the alternate reserved sections of public lands along the lines of any one of the railroads or other public works in the United States, wherever public lands have been or may be granted by acts of Congress, and to receive a patent therefor, under and by virtue of the provisions of the act to secure homesteads to actual settlers on the public domain, and the acts amendatory thereof, and on the terms and conditions therein prescribed; and all the provisions of said acts, except as herein modified, shall extend and be applicable to entries under this act, and the Commissioner of the General Land Office is hereby authorized to prescribe the necessary rules and regulations to carry this section into effect, and determine all facts necessary therefor.

Approved, July 15, 1870.

[PUBLIC—No. 130.]

AN ACT to prevent the extermination of fur-bearing animals in Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful to kill any fur-seal upon the islands of Saint Paul and Saint George, or in the waters adjacent thereto, except during the months of June, July, September and October in each year, and it shall be unlawful to kill such seals at any time by the use of fire-arms, or use other means tending to drive the seals away from said islands: Provided, That the natives of said islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months, and also such old seals as may be required for their own clothing and for the manufacture of boats for their own use, which killing shall be limited and controlled by such regulations as shall be prescribed by the Secretary of the Treasury.

SEC. 2. And be it further enacted, That it shall be unlawful to kill any female seal, or any seal less than one year old, at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to said islands, or on the beaches, cliffs or rocks where they haul up from the sea to remain; and any person who shall violate either the provisions of this or the first section of this act shall be punished, on conviction thereof, for each offense by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment not exceeding six months, or by such fine and imprisonment both, at the discretion of the court having jurisdiction and taking cognizance of the offense; and all vessels, their tackle, apparel, and furniture, whose crew shall be found engaged in the violation of any of the provisions of this act shall be forfeited to the United States.

SEC. 3. And be it further enacted, That for the period of twenty years from and after the passage of this act, the number of fur-seals which may be killed for their skins upon the island of Saint Paul is hereby limited and restricted to seventy-five thousand per annum; and the number of fur-seals, which may be killed for their skins upon the island of Saint George, is hereby limited and restricted to twenty-five thousand per annum: Provided, That the Secretary of the Treasury may restrict and limit the right of killing if it shall become necessary for the preservation of such seals, with such proportionate reduction of the rents reserved to the government as shall be right and proper; and if any person shall knowingly violate either of the provisions of this section, he shall, upon due conviction thereof, be punished in the same way as provided herein for a violation of the provisions of the first and second sections of this act.

SEC. 4. And be it further enacted, That immediately after the passage of this act the Secretary of the Treasury shall lease, for rental mentioned in section six of this act, to proper and responsible parties, to the best advantage of the United States, having due regard to the interests of the government, the native inhabitants, the parties heretofore engaged in trade, and the protection of the seal fisheries, for a term of twenty years from the first day of May, eighteen hundred and seventy, the right to engage the in business of taking fur-seals on the islands of Saint Paul and Saint George, and to send a vessel or vessels to said islands for the skins of such seals, giving to the lessee or lessees of said islands a lease, duly executed, in duplicate, not transferable, and taking from the lessee or lessees of said islands a bond, with sufficient sureties, in a sum not less than five hundred thousand dollars, conditional for the faithful observance of all the laws and requirements of Congress and of the regulations of the Secretary of the Treasury, touching the subject-matter of taking fur-seals, and disposing of the same, and for the payment of all taxes and dues accruing to the United States connected therewith. And in making said lease, the Secretary of the Treasury shall have due regard to the preservation of the seal-fur trade of said islands, and the comfort, maintenance and education of the natives thereof. The said lessees shall furnish to the several masters of vessels employed by them certified copies of the lease held by them, respectively, which shall be presented to the government revenue officer for the time being who may be in charge at the said islands as the authority of the party for landing and taking skins.

SEC. 5. And be it further enacted, That at the expiration of said term of twenty years, or on surrender or forfeiture of any lease, other leases may be made in manner as aforesaid, for other terms of twenty years; but no persons other than American citizens shall be permitted, by lease, or otherwise, to occupy said islands, or either of them, for the purpose of taking the skins or fur-seals therefrom, nor shall any foreign vessel be engaged in taking such skins; and the Secretary of the Treasury shall vacate and declare any lease forfeited if the same be held or operated for the use, benefit or advantage, directly or indirectly, of any person or persons other than American citizens. Every lease shall contain a covenant on the part of the lessee that he will not keep, sell, furnish, give, or dispose of any distilled spirits or spirituous liquors on either of said islands to any of the natives thereof, such person not being a physician and furnishing the same for use as medicine; and any person who shall kill any fur-seal on either of said islands, or in the waters adjacent thereto, without authority of the lessees thereof, and any person who shall molest, disturb, or interfere with said lessees, or either of them or their agents or employees, in the lawful prosecution of their business, under the provisions of this act, shall be deemed guilty of a misdemeanor, and shall for each offense, on conviction thereof, be punished in the same way and by like penalties as prescribed in the second section of this act; and all vessels, their tackle, apparel, appurtenances and cargo, whose crews shall be found engaged in any violation of either the provisions of this section, shall be forfeited to the United States; and if any person or company, under any lease herein authorized, shall knowingly kill, or permit to be killed, any number of seals exceeding the number for each island in this act prescribed, such person or company shall, in addition to the penalties and forfeitures aforesaid, also forfeit the whole number of the skins of seals killed in that year, or, in case the same have been disposed of, then said person or company shall forfeit the value of the same. And shall be the duty of any revenue officer, officially acting as such on either of said islands, to seize and destroy any distilled spirits or spirituous liquors found thereon; Provided, That such officer shall make detailed report of his doings to the collector of the port.

SEC. 6. And be it further enacted, That the annual rental to be reserved by said lease shall not be less than fifty thousand dollars per annum, to be secured by deposit of United States bonds to that amount, and in addition thereto a revenue tax or duty of two dollars is hereby laid upon each fur-seal skin taken and shipped from said islands, during the continuance of such lease, to be paid into the treasury of the United States; and the Secretary of the Treasury is hereby empowered and authorized to make all needful rules and regulations for the collection and payment of the same, for the comfort, maintenance, education and protection of the natives of said islands, and also for carrying into full effect all the provisions of this act: Provided further, That the Secretary of the Treasury may terminate any lease given to any person, company or corporation on full and satisfactory proof of the violation of any of the provisions of this act or the rules and regulations established by him: Provided further, That the Secretary of the Treasury is hereby authorized to deliver to the owners the fur-seal skins now stored on the islands, on the payment of one dollar for each of said skins taken and shipped away by said owners.

SEC. 7. And be it further enacted, That the provisions of the seventh and eighth sections of "An act to extend the laws of the United States relating to customs, commerce and navigation over the territory ceded to the United States by Russia, to establish a collection district therein, and for other purposes," approved July twenty-seven, eighteen hundred and sixty-eight, shall be deemed to apply to this act; and all prosecutions for offenses committed against the provisions of this act, and all other proceedings had because of the violations of the provisions of this act, and which are authorized by said act above mentioned, shall be in accordance with the provisions thereof; and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 8. And be it further enacted, That the Congress may at any time hereafter alter, amend or repeal this act.

Approved July 1, 1870.

[PUBLIC—No. 125.]

AN ACT to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Japan, Siam, Persia and other countries, giving certain judicial powers to ministers and consuls and other functionaries of the United States in those countries, and for other purposes," approved June twenty-second, eighteen hundred and sixty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Congress entitled "An act to carry into effect provisions of the treaties between the United States, China, Japan, Siam, Persia, and other countries, giving certain judical powers to ministers and consuls, or other functionaries of the United States in those countries, and for other purposes," approved June twenty-second, eighteen hundred and sixty, as far as the same is in conformity with the stipulations of the treaty with Madagascar, is hereby extended to that country, and it shall be executed in conformity with the provisions of the treaty and the usages of Christian nations in such cases; and the act shall, in the same manner, extend to any country of like character with which the United States may hereafter enter into treaty relations.

SEC. 2. And be it further enacted, That that the superior judicial authority conferred on the consul general or consul residing at the capital of any country mentioned in such act, or herein provided for, including the power to make decrees and regulations, is hereby vested in the Secretary of State for the time being.

SEC. 3. And be it further enacted, That when any final judgment of the minister to China or to Japan is given in the exercise of original or of appellate criminal jurisdiction, the person charged with the crime or offense, if he considers the judgment erroneous in point of law, may appeal therefrom to the circuit court for the district of California: but such appeal shall not operate as a stay of proceedings; unless the minister shall certify that there is probable cause to grant the same, when the stay shall be such as the interests of justice may require.

SEC. 4. And be it further enacted, That on any final judgment in a consular court of China or Japan where the matter in dispute exceeds five hundred dollars, and does not exceed two thousand five hundred dollart, exclusive of costs, an appeal shall be allowed to the minister in such country, as the case may be; provided, That the appellant complies with the conditions established by general regulations; and the ministers are hereby authorized and required to receive, hear, add determine such appeals.

SEC. 5. And be it further enacted, That where the matter in dispute, exclusive of costs, exceeds the sum of two thousand five hundred dollars, an appeal shall be allowed to the circuit court for the district of California; and upon such appeal a transcript of the libel, bill, answer, depositions, and all other proceedings in the cause shall be transmitted to the circuit court, and no new evidence shall be received on the hearing of the appeal, and the appeals shall be subject to the rules, regulations and restriction prescribed in law for writs of error from district courts of the United States.

SEC. 6. And be it further enacted, That on any final judgment of the minister to China, or to Japan, given in the exercise of original jurisdiction, where the matter in dispute, exclusive of costs, exceeds two thousand five hundred dollars, an appeal shall be allowed to the circuit court as provided in the last section.

SEC. 7. And be it further enacted, That the circuit court of California is hereby authorized and required to receive, hear and determine the appeals provided for in this act, and the decisions of such court shall be final.

SEC. 8. And be it further enacted, That the appeals allowed by this act shall be only in cases arising after its passage.

SEC. 9. And be it further enacted, That the President is hereby authorized to allow, in the adjustment of the accounts of the consul general at Shanghai, the actual expense of the rent of a suitable building, to be used as a prison for American convicts in China, not to exceed one thousand five hundred dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed five thousand dollars a year; and to allow in the adjustment of the accounts of the consuls at other ports in China the actual expense of the hire of constables and the care of offenders, not to exceed in all five thousand dollars a year.

SEC. 10. And be it further enacted, That the President is hereby authorized to allow, in the adjustment of the accounts of the consul at Kanagawa, the actual expense of the rent of a suitable building, to be used as a prison for American convicts in Japan, not to exceed seven hundred and fifty dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed two thousand five hundred dollars a year; and to allow in the adjustment of the accounts of the consuls at other ports in Japan the actual expense of the hire of constables and the care of offenders, not to exceed in all two thousand five hundred dollars a year.

Approved, July 1, 1870.

[PUBLIC—No. 126.]

AN ACT authorizing the construction of a bridge across the Arkansas river at Little Rock, Arkansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Cicizens' Bridge Company, a corporation having authority from the State of Arkansas, to build a railroad, transit, and wagon bridge across the Arkansas river at or near the city of Little Rock, in Arkansas, and that, when constructed, all trains of all roads terminating at the Arkansas river, at or near the location of said bridge, shall be allowed to cross said bridge for a reasonable compensation to be paid to the owners thereof; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the district court of the United States of any State in which any portion of said obstruction or bridge touches.

SEC. 2. And be it further enacted, That any bridge built under the provisions of this act may, at the option of the company building the same, be built as a draw-bridge, with a pivot or other form of a draw, or with unbroken and continuous spans: Provided, That if the said bridge shall be made with unbroken and continuous spans, it shall not be in any case of less elevation than fifty feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge. Nor shall the spans be of less than two hundred and fifty feet in length in the clear; and the piers of said bridge shall be parallel with the current of said river; and the main span shall be over the main channel of the river at low water: And provided also, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear, on each side of the central or pivot pier of the draw. And the next adjoining spans to the draw shall not be less than two hundred and fifty feet; and said spans shall not be less than twenty feet above high water mark, measuring to the bottom chord of the bridge; and the piers of said bridge shall be parallel with the current of the river; and provided also, that said draw shall be opened promptly upon reasonable signal for the passage of boats whose construction shall not be such as to admit of their passage under the permanent spans of said bridge, except when trains are passing over the same; but in no case shall unnecessary delay occur in opening the draw during or after the passage of trains.

SEC. 2. And be it further enacted, That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, than the rate per mile paid for their transportation over the railroads or the public highways leading to the same bridge; and provided also, that said corporation may execute a mortgage and issue bonds payable, principal and interest, in gold or United States currency.

SEC. 4. And be it further enacted, That the United States shall have the right of way for postal telegraph purposes across said bridge.

SEC. 5. And be it further enacted, That the bridge company aforesaid shall submit to the Secretary of War, for his approval, a plan with the necessary drawings of their bridge, conforming to the above requirements; and until the Secretary of War approve the plan and location of said bridge, and notify the company of the same in writing, the bridge shall not be built or commenced; and should any change be made in the plan of the bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

SEC. 6. And be it further enacted, That Congress shall have power at any time to alter, amend, or repeal this act.

Approved, July 1, 1870.

[PUBLIC—No. 127.]

AN ACT amendatory of "An act to protect the rights of actual settlers upon the public lands of the United States, approved July 27, 1868, 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 act entitled "An act to protect the rights of actual settlers upon the public lands of the United States," approved July twenty-seven, eighteen hundred and sixty-eight, be, and the same is hereby, amended, by adding thereto the following proviso, viz: Provided, That all such agricultural college scrip shall be received from actual settlers in payment of pre-emption claims in the same manner and to the same extent as is now authorized by law in case of military bounty land warrants: And provided further, That all locations of such scrip made within thirty days after the date of approval of said act of July twenty-seven, eighteen hundred and sixty-eight, if otherwise in conformity with law, are hereby legalized and made valid.

Approved, July 1, 1870.

[PUBLIC—No. 128.]

AN ACT to relinquish the interest of the United States in certain lands to the city and county of San Francisco.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right and title of the United States to the military reservation in the city and county of San Francisco, in the State of California, known as the Point San Jose military reservation, be, and the same are hereby, relinquished and granted to the said city and county, and its successors, for the uses and purposes as follows:

First, To maintain all streets and alleys as now laid out in the official map of the city of San Francisco. Second, And then in trust to grant and convey the remainder of said lands to the parties severally who are at the date of the passage of this act in the actual bona fide possession thereof by themselves or their tenants, and in such parcels as the same are so held and possessed by them; or who, if they have not such possession, were deprived thereof by the United States military authorities when they went into the occupancy of said military reservation; or were deprived thereof by intruders or trespassers against whom possession may be recovered by legal process.

Third, To have and to hold all the residue, if any, of said lands, for the use and benefit of said city, there being excepted from this relinquishment and grant all that certain piece or parcel of land, portion of said reservation, and which is bounded and described as follows, viz: commencing at a point in the mean low-water shore-line of the bay or entrance to the bay of San Francisco, east of the promontory of Point San Jose, where the same is intersected by the westerly line of Van Ness avenue; running thence southerly along the said westerly line of Van Ness avenue to its intersection with the northern line of Bay street; thence westerly along the north side of Bay street to its intersection with the eastern line of Laguna street; thence northerly along the said eastern line of Laguna street to the westerly shore; thence in a northeasterly, easterly, southeasterly, and southerly direction, following the said shore-line, and including the entire water front between Laguna street and Van Ness avenue, to the point or place of beginning.

SEC. 2. And be it further enacted, That nothing in this act contained shall interfere with or prejudice any valid adverse right or claim, if such exist, to said land or any part thereof, whether derived from Spain, Mexico or the United States, or preclude an examination and adjustment thereof by the courts.

SEC. 3. And be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby declared inapplicable to the lands herein above relinquished and granted.

Approved, July 1, 1870.

[PUBLIC—No. 129.]

An act for the disposal of the lands within the Fort Ridgely Military Reservation, Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the War department having abandoned the Fort Ridgely reservation, it shall be the duty of the Secretary of War, immediately upon the passage of this act, to cause to be appraised the government improvements upon said reservation, and shall report the value thereof to the Commissioner of the General Land Office, designating the particular legal subdivision of land upon which the same exist, and the lands within said reservation not heretofore entered and patented shall be subject to disposal under the pre-emption laws of the United States, or at private entry after public offering and for cash only, and persons entering upon or purchasing said lands shall pay the appraised value of the government improvements that may appear to exist on their respective claims at the date of proving up, or of purchase at private entry.

SEC. 2. And be it further enacted, That all entries which have been made on lands within the limits of the said reserve, and for which the General Land Office may have issued patents in regular form, not having at the time knowledge of said reserve, be, and the same are hereby, confirmed: Provided, That the value of the government improvements thereon have been, or shall be, paid for by the persons making said entries, or by their assigns: And provided further, That the same shall be paid for within one year from the passage of this act; and if the same are not paid for within the time designated, the Secretary of the Interior is hereby authorized to, and shall immediately thereafter, institute judicial proceedings against any and all of the said parties, or their assigns, failing to make said payment, with the view to vacate the patents which may have issued.

SEC. 3. And be it further enacted, That all entries heretofore made on said lands and not yet patented are hereby declared, at the discretion of the Commissioner, null and void, and directed to be cancelled by the said Commissioner of the General Land Office, and the lands embraced therein shall be disposed of under the provisions of this act.

Approved, July 1, 1870.

[PUBLIC—No. 130.]

AN ACT in relation to certain unsold lands in the counties of Porter and Lake, in the State of Indiana.

Whereas, there is lying along the Little Calumet river, in the counties of Porter and Lake, in the State of Indiana, a body of lands supposed to contain about four thousand acres, which has never been sold or surveyed, and which was described in the original government surveys as impassable morass; and, whereas, the Calumet Draining Company has been organised under the laws of said State, for the purpose of draining the valley of said river, including said morass: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said unsold lands shall be subject to a lien under the laws of the State of Indiana for its proper proportion of the cost of such drainage, and such lien may be enforced against said lands in the same manner and to the same extent as if the said lands were owned by private persons; provided, that no claim shall be held to exist against the United States for such drainage.

SEC. 2. And be it further enacted, That said lands may be surveyed and sold to the highest bidder, under the directions of the Secretary of the Interior, subject to said lien.

Approved, July 1, 1870.

[PUBLIC—No. 131.]

AN ACT to amend an act entitled "An act to establish and to protect nationall cemeteries."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from the time any State Legislature shall have given, or shall hereafter give, the consent of such State to the purchase by the United States of any national cemetery mentioned in the act entitled "An act to establish and protect national cemeteries," approved February twenty-second, eighteen hundred and sixty-seven, the jurisdiction and power of legislation of the United States over such cemetery shall in all courts and places be held to be the same as is granted by section eight, article one, of the constitution of the United States; and all the provisions of said act of February twenty-second, eighteen hundred and sixty-seven, shall be applicable to the same.

SEC. 2. And be it further enacted, That it shall be the duty of the Secretary of War to cause copies of this present act to be sent to the governors of all such States, wherein any of such national cemeteries may be situated, to the end that the Legislatures of such States may give the consent herein mentioned.

Approved July 1, 1870.

[PUBLIC—No. 132.]

AN ACT for the relief of pre-emption settlers in the State of Nebraska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That settlers upon the public domain within the limits of the State of Nebraska, who, prior to the first day of January, eighteen hundred and seventy, had filed their declaratory statements under the pre-emption laws for tracts once offered at public sale and afterward included in the lateral limits of any withdrawal for railroad grants, where such lands were at date of filing, as aforesaid, subject to disposal, under said pre-emption laws, and who, through erroneous belief that by such withdrawal the lands so settled upon and claimed became subject to the designation of "unoffered" lands