

Distillers and refiners to be deemed manufacturers, and subject to tax. 1868, ch. 41, § 4. *Ante*, p. 59.

manufacturer or his agent or agents at the passage of this act, and unsold, shall be collected; but distillers and refiners of mineral oils shall be considered as manufacturers and subject to the tax on sales provided for in the fourth section of the act "to exempt certain manufacturers from internal tax, and for other purposes," approved March thirty-first, eighteen hundred and sixty-eight.

APPROVED, July 20, 1868.

July 23, 1868.

CHAP. CCXXVI. — *An Act to construct a Wagon Road from West Point to Cornwall Landing, all in the County of Orange, State of New York.*

Government labor to aid in building wagon road from West Point to Cornwall Landing.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the superintendent of the military academy at West Point be authorized and directed to use the labor in the employ of the United States government at that post, when not otherwise employed, in building and constructing a wagon road from West Point to Cornwall Landing, in the county of Orange, said road to be located under the direction of the said superintendent, over land now belonging or hereafter to be ceded to the government of the United States for that purpose.

APPROVED, July 23, 1868.

July 23, 1868.

CHAP. CCXXVII. — *An Act to authorize the temporary Supplying of Vacancies in the Executive Departments.*

In case of the death, absence, &c. of head of any executive department, who to perform the duties;

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in case of the death, resignation, absence, or sickness of the head of any executive department of the government, the first or sole assistant thereof shall, unless otherwise directed by the President of the United States, as is hereinafter provided, perform the duties of such head until a successor be appointed, or such absence or sickness shall cease.

of chief of bureau, &c. except, &c.

SEC. 2. *And be it further enacted,* That in case of the death, resignation, absence, or sickness of the chief of any bureau, or of any officer thereof, except commissioner of patents, whose appointment is not in the head of any executive department, the deputy of such chief or of such officer, or if there be no deputy, then the chief clerk of such bureau, shall, unless otherwise directed by the President of the United States, as is hereinafter provided, perform the duties of such chief or of such officer until a successor be appointed or such absence or sickness shall cease. And no appointment, designation, or assignment otherwise than as is herein provided, in the cases mentioned in the first, second, and third sections of this act, shall be made except to fill a vacancy happening during the recess of the Senate.

No appointment to be made except to fill a vacancy happening during a recess of the Senate.

Head of other executive department, &c. may be directed to perform duties;

SEC. 3. *And be it further enacted,* That in any of the cases hereinbefore mentioned it shall be lawful for the President of the United States, in his discretion, to authorize and direct the head of any other executive department or other officer in either of those departments whose appointment is, by and with the advice and consent of the Senate, vested in the President, to perform the duties of the office vacant as aforesaid until a successor be appointed, or the sickness or absence of the incumbent shall cease: *Provided,* That nothing in this act shall authorize the supplying as aforesaid a vacancy for a longer period than ten days when such vacancy shall be occasioned by death or resignation, and the officer so performing the duties of the office temporarily vacant shall not be entitled to extra compensation therefor: *And provided also,* That in case of the death, resignation, absence, or sickness of the commissioner of patents, the duties of said commissioner, until a successor be appointed or such absence or sickness shall cease, shall devolve upon the examiner-in-chief in said office oldest in length of commission.

but for not more than ten days, &c.

Commissioner of patents.

SEC. 4. *And be it further enacted*, That all acts heretofore passed on the subject of temporarily supplying vacancies in the executive departments, or which empower the President to authorize any person or persons to perform the duties of the head of any executive department, or of any officer in either of the departments, in case of a vacancy therein or inability of such head of a department or officer to discharge the duties of his office, and all laws inconsistent with the provisions of this act, be, and the same are hereby, repealed.

Repeal of inconsistent laws.

APPROVED, July 23, 1868.

CHAP. CCXXVIII. — *An Act making a Grant of Land to the State of Minnesota to aid in the Improvement of the Navigation of the Mississippi River.*

July 23, 1868.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be, and hereby is, granted to the State of Minnesota, for the purpose of aiding said State in constructing and completing a lock and dam at Meeker's island, (so called,) in the Mississippi River, in said State, and thereby facilitating the navigation of the Mississippi River between the falls of St. Anthony and the mouth of the Minnesota River, two hundred thousand acres of public lands, to be selected in alternate odd-numbered sections by an agent to be appointed by the governor of said State, subject to the approval of the Secretary of the Interior: *Provided*, That said lands shall be selected from the public lands lying within the limits of the said State of Minnesota, and that not more than one section thereof shall be selected in any one township: *Provided further*, That said selections shall not be made from any lands containing mines of gold, silver, cinnabar, or copper, nor from any lands to which rights of pre-emption or homestead have attached.

Land grant to Minnesota to build a lock and dam, to aid the navigation of the Mississippi River.

Lands, how to be selected;

not to be from certain lands;

SEC. 2. *And be it further enacted*, That said lands so granted shall be subject to the disposal of the legislature of said State for the purposes mentioned in the first section of this act, and no other; and the said lock and dam shall be and remain forever a public highway, free from any toll or charge of any kind whatever; and the said legislature shall have power to pass all needful rules and regulations that may be necessary to fully carry out the purposes of this act.

how to be disposed of.

Lock and dam to be a public highway.

SEC. 3. *And be it further enacted*, That the work shall be done under the direction of the engineer department of the United States, according to the plan and estimate submitted by Major-General Warren, and that if said lock and dam are not constructed within two years from and after the date of the acceptance and disposition of this grant by the legislature of the said State, the lands hereby granted shall revert to the United States.

Work, how to be performed.

SEC. 4. *And be it further enacted*, That at any time after the selection of the said lands, and subsequent to the completion of said lock and dam, the lands hereby granted shall be open for settlement by actual settlers upon paying to the State of Minnesota a price not exceeding one dollar and twenty-five cents per acre for the same, which shall be paid by the State to the company who may construct said lock and dam.

Lands to revert to the United States, if, &c.

Lands, when to be open to actual settlers, and on what terms.

SEC. 5. *And be it further enacted*, That if at any time prior to the completion of the said lock and dam the government of the United States shall make an appropriation in money sufficient to construct said lock and dam, then the grant of lands herein made shall revert to the United States: *Provided*, That this act shall have no effect on lands already granted for railroad purposes.

If sufficient appropriation is made to complete the dam, lands to revert.

Proviso.

APPROVED, July 23, 1868.