

July 27, 1868. CHAP. CCLXVI. — *An Act to correct an Error in the Enrolment of the "Act imposing Taxes on distilled Spirits and Tobacco, and for other Purposes."*

Error corrected in act of 1868, ch. 186, § 48.

Ante, p. 144.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last clause of the first sentence of section forty-eight of the "Act imposing taxes on distilled spirits and tobacco, and for other purposes," approved July twentieth, eighteen hundred and sixty-eight, be amended so that it will read: "or three dollars per dozen bottles, each bottle containing not more than one pint," etc., instead of "each bottle containing more than one pint," etc.; the word "not" having been omitted in the enrolment of the act.

APPROVED, July 27, 1868.

July 27, 1868. CHAP. CCLXVII. — *An Act amendatory of an Act entitled "An Act granting public Lands to the State of Wisconsin, to aid in the Construction of Railroads in said State," approved June 3, 1856.*

The legislature of Wisconsin may dispose of certain lands for the benefit of the Wisconsin Railroad Farm Mortgage Land Co.

Proviso.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall and may be lawful for the legislature of the State of Wisconsin to dispose of the lands granted and which may have enured and been certified to the State of Wisconsin under the act of Congress approved June third, eighteen hundred and fifty-six, to aid in the construction of a railroad "from Madison or Columbus, by way of Portage City to the Saint Croix river or lake, between township twenty-five and thirty-one," and commonly known as La Crosse and Milwaukee railroad, for the benefit of the Wisconsin Railroad Farm Mortgage Land Company, existing under and by virtue of the laws of Wisconsin: *Provided, however*, That this act shall apply only to such lands as may be due the State of Wisconsin for the portion of said road already completed.

APPROVED, July 27, 1868.

July 27, 1868. CHAP. CCLXVIII. — *An Act granting the Right of Way to certain Railway Companies over the military Reservation at Fort Leavenworth.*

Right of way across military reservation at Fort Leavenworth granted to Leavenworth and Des Moines Railway Company; to Leavenworth, Atchison, and Northwestern Railway Company;

Proviso.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way, not exceeding one hundred feet in width, is hereby granted to the Leavenworth and Des Moines Railway Company, a corporation created under the laws of the State of Missouri, to construct and operate a railway across the military reservation at Fort Leavenworth, on the east side of the Missouri river, upon a line to be designated and fixed by the Secretary of War.

SEC. 2. *And be it further enacted*, That the right of way, not exceeding one hundred feet in width, is hereby granted to the Leavenworth, Atchison and Northwestern Railway Company, a corporation created under the laws of the State of Kansas, to construct and operate a railroad across and over the military reservation at Fort Leavenworth, in the State of Kansas, upon such line as shall be designated and fixed by the Secretary of War: *Provided*, That if the said company shall not construct, within one year from the passage of this act, a railway from the city of Leavenworth to the city of Atchison, then, and in that case, a like privilege is hereby conferred upon any other company that shall construct a railway between said cities.

APPROVED, July 27, 1868.

July 27, 1868. CHAP. CCLXIX. — *An Act donating a Portion of the Fort Leavenworth military Reservation for the exclusive Use of a public Road.*

Part of Fort Leavenworth military reserva-

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a strip of land one hundred feet in width along the southern boundary of the Fort Leavenworth military reservation, in the State of Kansas, extending from the

Missouri river to the western boundary thereof, be set apart for the perpetual and exclusive use of a public road; and the said road shall be and remain a public highway for the use of the government of the United States, free from tolls or other charges upon the transportation of any property, troops, or mails of the United States.

tion set apart for public road; to be free to the United States.

SEC. 2. *And be it further enacted*, That Congress may at any time amend or repeal this act.

Act may be repealed, &c.

APPROVED, July 27, 1868.

CHAP. CCLXX. — *An Act regulating the Times and Places of holding the District and Circuit Courts of the United States for the Northern District of Florida.* July 27, 1868.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times and places of holding the United States district and circuit courts for the northern district of Florida shall hereafter be as follows: At Jacksonville, on the first Monday of December; at Tallahassee, on the first Monday of February; and at Pensacola, on the first Monday of March.

Times and places of holding United States courts in northern district of Florida.

SEC. 2. *And be it further enacted*, That the terms of the United States courts heretofore held at Saint Augustine and Appalachicola be hereafter discontinued.

Terms at Saint Augustine and Appalachicola discontinued.

APPROVED, July 27, 1868.

CHAP. CCLXXI. — *An Act to disapprove an Act of the Legislative Assembly of Washington Territory redistricting the Territory and reassigning the Judges thereto.* July 27, 1868.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of the legislative assembly of the Territory of Washington, approved January twenty-five, eighteen hundred and sixty-eight, entitled "An act defining the several judicial districts of the Territory and assigning the judges thereto," be, and the same is hereby, disapproved.

Act of legislative assembly of Washington Territory disapproved.

APPROVED, July 27, 1868.

CHAP. CCLXXII. — *An Act to amend an Act entitled "An Act proposing to the State of Texas the Establishment of her Northern and Western Boundaries, the Relinquishment by the said State of all Territory claimed by her, exterior to said Boundaries, and of all her Claims upon the United States, and to establish a Territorial Government for New Mexico."* July 27, 1868.
1850, ch. 49.
Vol. ix. p. 446.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the aforesaid act shall be amended as follows: Every bill which shall have passed the council and House of Representatives of the said Territory shall, before it becomes a law, be presented to the governor of the Territory; if he approve he shall sign it, but if he do not approve it, he shall return it with his objections to the house in which it originated, who shall enter the objections at large upon their journal, and proceed to reconsider it. If after such reconsideration, two thirds of that house shall pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law, the governor's objections to the contrary notwithstanding. But in such cases the votes of both houses shall be determined by yeas and nays, and entered upon the journal of each house respectively. And if the governor shall not return any bill presented to him for approval, after its passage by both houses of the legislature, within three days, (Sundays excepted,) after such presentation, the same shall become a law in like manner as if the governor had approved it: *Provided, however*, That the assembly shall not have adjourned sine die, during the three days prescribed as above, in which case it shall not become a law.

Veto power of the Governor of the Territory of New Mexico.

Secretary of the Territory of New Mexico to be superintendent of public buildings and grounds;

salary therefor;

to administer oath to members elect of the legislature.

Who to administer the oath in his absence.

Annual salary.

SEC. 2. *And be it further enacted*, That, from and after the passage of this act, the secretary of the Territory of New Mexico shall be ex-officio superintendent of public buildings and grounds, and shall have all control and management of all public buildings now erected, in progress of erection, or to be hereafter erected, and of all grounds pertaining thereto; and he shall be under the direction of the Secretary of the Interior, who shall establish such rules in relation to said public buildings and grounds as in his judgment he may devise, and for his services as such superintendent shall receive an annual salary of one thousand dollars, to take effect from and after the passage of this act; and it shall be the duty of the secretary of said Territory, upon the convening of the legislature thereof, to administer the oath of office to the members elect of the two houses and the officers thereof when chosen; and no other person shall be competent to administer said oath, save in the absence of the secretary; in which case any one member of either house may administer the oath to the presiding officer elect, and he shall administer the same to the members and other officers: *Provided*, That the annual salary of the secretary of said Territory shall be two thousand dollars per annum from and after the first day of February, eighteen hundred and sixty-seven.

APPROVED, July 27, 1868

July 27, 1868.

CHAP. CCLXXIII. — *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.*

Customs, &c. laws of the United States extended to territory ceded to the United States by emperor of Russia.
See *post*, p. 539.

Territory to constitute the collection district of Alaska.
Port of entry.

Collector.

Salary.

Regulations for the nationalization of vessels owned by residents of the ceded territory.

Bonds may be required of deputy collectors authorized to act as collector.
1866, ch. 201, § 29.
Vol. xiv. p. 185.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws of the United States relating to customs, commerce, and navigation be, and the same are hereby, extended to and over all the mainland, islands, and waters of the territory ceded to the United States by the Emperor of Russia by treaty concluded at Washington on the thirtieth day of March, anno Domini eighteen hundred and sixty-seven, so far as the same may be applicable thereto.

SEC. 2. *And be it further enacted*, That all of the said territory, with its ports, harbors, bays, rivers, and waters, shall constitute a customs collection district, to be called the district of Alaska, for which said district a port of entry shall be established at some convenient point to be designated by the President, at or near the town of Sitka or New Archangel, and a collector of customs shall be appointed by the President, by and with the advice and consent of the Senate, who shall reside at the said port of entry, and who shall receive an annual salary of two thousand five hundred dollars, in addition to the usual legal fees and emoluments of the office. But his entire compensation shall not exceed four thousand dollars per annum, or a proportionate sum for a less period of time.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to make and prescribe such regulations as he may deem expedient for the nationalization of all vessels owned by actual residents of said ceded territory on and since the twentieth day of June, anno Domini eighteen hundred and sixty-seven, and which shall continue to have been so owned up to the date of such nationalization, and that from any deputy collector of customs upon whom there has been, or shall hereafter be, conferred any of the powers of a collector under and by virtue of the twenty-ninth section of the "Act further to prevent smuggling, and for other purposes," approved July eighteen, eighteen hundred and sixty-six, the Secretary of the Treasury shall have power to require bonds in favor of the United States in such amount as the said Secretary shall prescribe for the faithful discharge of official duties by such deputy.

SEC. 4. *And be it further enacted,* That the President shall have power to restrict and regulate or to prohibit the importation and use of fire-arms, ammunition, and distilled spirits into and within the said territory. And the exportation of the same from any other port or place in the United States when destined to any port or place in the said territory, and all such arms, ammunition, and distilled spirits, exported or attempted to be exported from any port or place in the United States and destined for such territory, in violation of any regulations that may be prescribed under this section; and all such arms, ammunition, and distilled spirits, landed or attempted to be landed or used at any port or place in said territory, in violation of said regulations, shall be forfeited; and if the value of the same shall exceed four hundred dollars, the vessel upon which the same shall be found, or from which they shall have been landed, together with her tackle, apparel and furniture, and cargo, shall be forfeited; and any person wilfully violating such regulation shall, on conviction, be fined in any sum not exceeding five hundred dollars, or imprisoned not more than six months. And bonds may be required for a faithful observance of such regulations from the master or owners of any vessel departing from any port in the United States having on board fire-arms, ammunition, or distilled spirits, when such vessel is destined to any place in said territory, or if not so destined, when there shall be reasonable ground of suspicion that such articles are intended to be landed therein in violation of law; and similar bonds may also be required on the landing of any such articles in the said territory from the person to whom the same may be consigned.

Importation and use of fire-arms, ammunition, and distilled spirits in the territory of Alaska may be prohibited.

Penalty for landing or attempting to land such articles; forfeiture;

fine or imprisonment.

Bonds from masters or owners of vessels.

SEC. 5. *And be it further enacted,* That the coasting trade between the said territory and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great districts.

Coasting trade of said territory, how regulated.

SEC. 6. *And be it further enacted,* That it shall be unlawful for any person or persons to kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal, within the limits of said territory, or in the waters thereof; and any person guilty thereof shall, for each offence, on conviction, be fined in any sum not less than two hundred dollars nor more than one thousand, or imprisoned not more than six months, or both at the discretion of the court, and all vessels, their tackle, apparel, furniture, and cargo, found engaged in violation of this act, shall be forfeited: *Provided,* That the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur seals, under such regulations as he may prescribe; and it shall be the duty of the said Secretary to prevent the killing of any fur seal, and to provide for the execution of the provisions of this section until it shall be otherwise provided by law: *Provided,* That no special privileges shall be granted under this act.

The killing of otter or other fur-bearing animals prohibited; penalty;

may be authorized by the Secretary of the Treasury.

No special privileges.

SEC. 7. *And be it further enacted,* That until otherwise provided by law, all violations of this act, and of the several laws hereby extended to the said territory and the waters thereof, committed within the limits of the same, shall be prosecuted in any district court of the United States in California or Oregon, or in the district courts of Washington, and the collector and deputy collectors appointed by virtue of this act, and any person authorized in writing by either of them, or by the Secretary of the Treasury, shall have power to arrest persons and seize vessels and merchandise liable to fines, penalties, or forfeitures under this and the said other laws, and to keep and deliver over the same to the marshal of some one of the said courts; and said courts shall have original jurisdiction, and may take cognizance of all cases arising under this act and the several laws hereby extended over the territory so ceded to the United States by the Emperor of Russia, as aforesaid, and shall proceed therein in the

What courts to have jurisdiction of offences under this act and the laws applicable to the territory.

Who may make arrests of persons or vessels.

Such courts to have original jurisdiction.

same manner and with the like effect as if such cases had arisen within the district or territory where the proceedings shall be brought.

Remission of fines, penalties, and forfeitures incurred in Alaska.

1797, ch. 13. Vol. 1, p. 506.

SEC. 8. *And be it further enacted*, That in all cases of fine, penalty, or forfeiture, mentioned and embraced in the act entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," or mentioned in any act in addition or amendatory of said act, that have occurred or may occur in said collection district of Alaska, the Secretary of the Treasury be, and he is hereby, authorized, if in his opinion the said fine, penalty, or forfeiture was incurred without wilful negligence or intention of fraud, to ascertain the facts in such manner and under such regulations as he may deem proper without regard to the provisions of the act above referred to, and upon the said facts so to be ascertained as aforesaid he may exercise all the power of remission conferred upon him by said act, as fully as he might have done had said facts been ascertained under and according to the provisions of said act.

Secretary of Treasury may prescribe regulations.

Appropriation.

SEC. 9. *And be it further enacted*, That the Secretary of the Treasury may prescribe all needful rules and regulations to carry into effect all parts of this act, except those especially intrusted to the President alone; and the sum of fifty thousand dollars is hereby appropriated from any unappropriated money in the treasury to carry this act into effect and meet the expenses of collecting the revenue from customs within the limits of the said territory.

APPROVED, July 27, 1868.

July 27, 1868.

CHAP. CCLXXIV. — *An Act authorizing the Manufacturers' National Bank of New York to change its Location.*

Manufacturers' National Bank of New York may change its location to Brooklyn.

When change to be effected.

Liability, &c. of bank not affected.

Notice of changes to be published.

When act takes effect.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Manufacturers' National Bank of New York, now located in the city of New York, is hereby authorized to change its location to the city of Brooklyn. Whenever the stockholders representing three fourths of the capital of said bank, at a meeting called for that purpose, determine to make such change, the president and cashier shall execute a certificate under the corporate seal of the bank, specifying such determination, and shall cause the same to be recorded in the office of the comptroller of the currency, and thereupon such change of location shall be effected, and the operations of discount and deposit of said bank shall be carried on in the city of Brooklyn.

SEC. 2. *And be it further enacted*, That nothing in this act contained shall be so construed as in any manner to release the said bank from any liability, or affect any action or proceeding in law in which the said bank may be a party or interested. And when such change shall have been determined upon as aforesaid, notice thereof and of such change shall be published in at least two daily newspapers in each of the counties of New York and Kings, in the State of New York, for not less than ten days.

SEC. 3. *And be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED, July 27, 1868.

July 27, 1868.

CHAP. CCLXXV. — *An Act relating to the District Courts of Utah Territory.*

Assignment of district judges in Utah Territory.

Time and place of holding court in each district.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the governor of Utah Territory shall assign the district judges of said Territory to their respective districts, and appoint the time and place of holding court in each of said districts, not exceeding two terms in each district in any one year.

APPROVED, July 27, 1868.

CHAP. CCLXXVI. — *An Act regulating Judicial Proceedings in certain Cases, for the Protection of Officers and Agents of the Government, and for the better Defence of the Treasury against unlawful Claims.*

July 27, 1868.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the provisions of section eight of the act of July twenty-eight, eighteen hundred and sixty-six, entitled "An act to protect the revenue, and for other purposes," and the forms and modes by that section and the twelfth section of the act of March three, eighteen hundred and sixty-three, therein referred to, prescribed for prosecuting suits, withholding executions, and paying judgments against officers of the United States, or other persons engaged in executing the acts relative to captured and abandoned property, shall extend and be applied to all suits and proceedings (except those in behalf of the United States) which have been brought, or may hereafter be brought, against any officer or agent of the government, civil or military, for acts done during the rebellion while acting by virtue or under color of his office or employment; and every defendant in such suit or proceeding having made full defence thereto, and having notified the Attorney-General of the United States to appear and defend the same, shall be entitled to the full benefit and protection provided in said section for officers and agents of the government engaged in the collection of the public revenue; and any defendant being aggrieved by any order or direction, certificate, ruling, or judgment of any court made or had in any such proceeding, may except thereto and appeal therefrom to the Supreme Court of the United States, and have the questions arising there heard and determined.

Protection extended to officers and agents of the government in suits against them for acts done during the rebellion by virtue of their office.
1866, ch. 298, § 8.
Vol. xiv. p. 329.
1863, ch. 76, § 12.
Vol. xii. p. 741.

Right of appeal to the Supreme Court of the United States.

SEC. 2. *And be it further enacted,* That no action or suit shall be maintained in any court of the United States, or of any State thereof, in the name or in the behalf or interest of any alien, against the United States, or any person, for or on account of any act done or omitted to be done by such person as an officer or agent of the United States, in the administration of the act of Congress entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," approved March twelve, eighteen hundred and sixty-three, or of the act of Congress entitled "An act in addition to the several acts concerning commercial intercourse between loyal and insurrectionary States, and to provide for the collection of captured and abandoned property, and the prevention of frauds in States declared in insurrection," approved July two, eighteen hundred and sixty-four, or in virtue or under color of the acts of Congress aforesaid, or any other acts of Congress relative to the said insurrectionary States, or to persons or property therein; and to any action or suit which may have been heretofore, or shall hereafter be, instituted by any alien against the United States, or any such person as aforesaid, on account of any act done or omitted to be done as aforesaid, the defendant may and shall plead or allege in bar thereof, that such act was done, or omitted to be done, in the administration of one of the acts of Congress aforesaid, or in virtue or under color thereof, and such plea or allegation, if the fact be sustained by the proof, shall be, and shall be deemed and adjudged in law to be, a complete and conclusive bar to any such suit or action: *Provided,* That this section shall not be construed so as to deprive aliens who are citizens or subjects of any government which accords to citizens of the United States the right to prosecute claims against such government in its courts, of the privilege of prosecuting claims against the United States in the court of claims, as now provided by law.

No suit to be maintained in any United States or State court by or for an alien against the United States or any person for any act done, &c. under certain acts of Congress.
1863, ch. 120.
Vol. xii. p. 820.
1864, ch. 226.
Vol. xiii. p. 376.

What may be pleaded, &c. in bar of such suit.

Certain aliens may prosecute claims against the United States in the court of claims.

SEC. 3. *And be it further enacted,* That it is hereby declared to have been the true intent and meaning of the act approved March twelfth, eighteen hundred and sixty-three, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insur-

1863, ch. 120.
Vol. xii. p. 820.
Remedy given by act in cases

of seizure under said act, declared to be exclusive.

Provision as to suits under that act and the act of 1864, ch. 226.

Vol. xiii. p. 375.

Proviso as to payment by the United States of judgments under this act.

rectionary districts within the United States," that the remedy given in cases of seizure made under said act, by preferring claim in the court of claims, should be exclusive, precluding the owner of any property taken by agents of the Treasury Department as abandoned or captured property in virtue or under color of said act from suit at common law, or any other mode of redress whatever, before any court or tribunal other than said court of claims; and in all cases in which suits of trespass, replevin, detinue, or any other form of action may have been brought and are now pending, or shall hereafter be brought against any person for or on account of private property taken by such person as an officer or agent of the United States, in virtue or under color of the act aforesaid, or the act approved July second, eighteen hundred and sixty-four, entitled "An act in addition to the several acts concerning commercial intercourse between loyal and insurrectionary States, and to provide for the collection of captured and abandoned property, and the prevention of frauds in States declared in insurrection," the defendant may and shall plead or allege in bar thereof that such act was done or omitted to be done by him as an officer or agent of the United States in the administration of one of the acts of Congress aforesaid, or in virtue or under color thereof, and such plea or allegation, if the fact be sustained by the proof, shall be, and shall be deemed and adjudged in law to be, a complete and conclusive bar to any such suit or action: *Provided, however,* That no judgment, recovered in accordance with this act, shall be paid by the United States, unless the amount received by the defendant as the proceeds of the transaction which was the foundation of the suit shall have been paid into the treasury, except upon an appropriation duly made therefor after a full examination of the claim upon its merits.

APPROVED, July 27, 1868.