

PUBLIC ACTS OF THE FORTIETH CONGRESS

OF THE

UNITED STATES,

Passed at the Third Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the seventh day of December, A. D. 1868, and was adjourned without day on Thursday, the fourth day of March, A. D. 1869.

ANDREW JOHNSON, President. BENJAMIN F. WADE, President of the Senate. SCHUYLER COLFAX, Speaker of the House of Representatives, until the third day of March, A. D. 1869, on which day he resigned, and THEODORE M. POMEROY was elected Speaker, and so acted for the remainder of the session.

CHAP. II. — *An Act providing for the Sale of the Lands, Tenements, and Water Privileges belonging to the United States at and near Harper's Ferry, in the County of Jefferson, West Virginia.* Dec. 15, 1868.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to make sale at public auction of the lands, tenements, and water privileges belonging to the United States, at and near Harper's Ferry, in the county of Jefferson, West Virginia, except as hereinafter provided, in such parcels as shall, in his opinion, be best adapted to secure the greatest amount of money therefor, on a credit of one and two years, taking bond and security from the purchaser or purchasers for the payment of the purchase-money; and that the proceeds of such sale shall be applied by him as follows: *Provided,* That no such sale shall be made until the time, terms, and place thereof shall have been published in one of the principal newspapers in each of the cities of Washington, New York, and Cincinnati for sixty days prior to the day of sale:

Secretary of War to sell at auction the property of the United States at Harper's Ferry.

Terms of sale.

Advertisement in newspapers.

Proceeds of sale, how applied.

Surplus to go to West Virginia as part of school fund of the State.

Secretary of War to execute deeds.

First, in defraying the expenses of making said sale.
Second, in refunding to the United States the principal sum of purchase-money paid for said lands, tenements, and water privileges by the United States, and for the erection of buildings thereon.

Third, if any surplus remain, he shall deliver the same to such agent as the legislature of the State of West Virginia shall appoint to receive the same; but upon condition that such surplus shall be received by the State of West Virginia, to be set apart, held, invested, used, and applied as a part of the school fund of that State, under and by virtue of, and in manner and form as provided in section first of the tenth article of the constitution of West Virginia, and for no other purpose. And on making such sale of the said lands, tenements, and water privileges, or any part thereof, the said Secretary of War is hereby empowered and required, on receiving the purchase-money in full, to execute all necessary deeds therefor to the purchaser or purchasers thereof, on behalf of the United States.

Secretary of War to convey portions to Storer College;

and other portions to other persons.

SEC. 2. *And be it further enacted*, That the Secretary of War be authorized and directed to convey by deed to Storer College, an institution of learning chartered by the State of West Virginia, all those certain portions of the aforesaid property, namely: the buildings, with the lots on which they stand, numbered thirty, thirty-one, and thirty-two, and also building numbered twenty-five, with enough of the lot on which it stands to give a breadth of ten rods on High Street, otherwise known as Washington Street, all of said buildings and lots being situated at Harper's Ferry aforesaid, being the same which have heretofore been assigned by the War Department to the bureau of refugees, freedmen, and abandoned lands, for educational purposes; and also to convey by deed to the proper persons all such other lands and buildings, portions of the aforesaid property, as have heretofore been set apart by the proper authority for religious, charitable, and town purposes.

APPROVED, December 15, 1868.

Dec. 22, 1868.
1868, ch. 186, § 78.
Ante, p. 159.

CHAP. IV. — *An Act to amend an Act entitled "An Act imposing Taxes on distilled Spirits and Tobacco, and for other Purposes," approved July twentieth, eighteen hundred and sixty-eight.*

After Feb. 1, 1869, manufactured tobacco not to be sold, &c. unless, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the seventy-eighth section of "An act imposing taxes on distilled spirits and tobacco, and for other purposes," approved July twentieth, eighteen hundred and sixty-eight, be, and the same is hereby, amended by striking out the words "first day of January," wherever they occur in said section, and inserting in lieu thereof the words "fifteenth day of February."

APPROVED, December 22, 1868.

January 8, 1869.

CHAP. VII. — *An Act authorizing the Admission in Evidence of Copies of certain Papers, Documents, and Entries.*

Copies of papers in office of consuls, &c. of the United States, when certified, &c. to be evidence in courts of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That copies of all official papers and documents belonging to and filed or remaining in the office of any consul, vice-consul, or commercial agent of the United States, and of all official entries in the books or records of any such office, shall, when certified under the hand and official seal of the proper consul, vice-consul, or commercial agent, be admissible in evidence in all the courts of the United States.

APPROVED, January 8, 1869.

Jan. 14, 1869.
1867, ch. 170, § 6.
Vol. xiv. p. 487.
See *post*, p. 337.

CHAP. IX. — *An Act to repeal certain Provisions of Section six of an Act entitled "An Act making Appropriations for the Support of the Army for the Year ending June thirtieth, eighteen hundred and sixty-eight, and for other Purposes," approved March second, eighteen hundred and sixty-seven.*

Law for disbanding militia forces in States formerly in rebellion, repealed as to certain States.
See *post*, p. 337.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of the act entitled "An act making appropriations for the support of the army for the year ending June thirtieth, eighteen hundred and sixty-eight, and for other purposes," approved March second, eighteen hundred and sixty-seven, so far as the same is applicable to the States of North Carolina, South Carolina, Florida, Alabama, and Louisiana, is hereby repealed.

APPROVED, January 14, 1869.