

SEC. 8. *And be it further enacted,* That the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

Right of way for highways.

SEC. 9. *And be it further enacted,* That whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes aforesaid is hereby acknowledged and confirmed: *Provided, however,* That whenever, after the passage of this act, any person or persons shall, in the construction of any ditch or canal, injure or damage the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Owners of vested rights to use of water for mining, &c. to be protected, and right of way for canals and ditches granted.

Damages.

SEC. 10. *And be it further enacted,* That wherever, prior to the passage of this act, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the said settlers or owners of such homesteads shall have a right of pre-emption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty-acres; or said parties may avail themselves of the provisions of the act of Congress approved May twenty, eighteen hundred and sixty-two, entitled "An act to secure homesteads to actual settlers on the public domain," and acts amendatory thereof.

Owners of homesteads made upon lands designated as mineral, in which no valuable mines of gold, &c. have been found, &c. may pre-empt the same, &c.;

or may take them as homesteads.
1862, ch. 75.
Vol xii. p. 392.

SEC. 11. *And be it further enacted,* That upon the survey of the lands aforesaid, the Secretary of the Interior may designate and set apart such portions of the said lands as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands of the United States, and subject to all the laws and regulations applicable to the same.

Upon survey, lands clearly agricultural may be set apart and made subject to pre-emption and sale.

APPROVED, July 26, 1866.

CHAP. CCLXIII. — *An Act to authorize "The Chesapeake Bay and Potomac River Tidewater Canal Company" to enter the District of Columbia, and extend their Canal to the Anacostia River at any Point above Benning's Bridge.*

July 26, 1866.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That "The Chesapeake Bay and Potomac River Tide-water Canal Company," incorporated by the general assembly of the State of Maryland, at the January session thereof, eighteen hundred and sixty-six, by an act entitled "An act to incorporate the Chesapeake Bay and Potomac River Tide-water Canal Company," be, and the same are hereby, authorized to extend their canal from the point where it strikes the boundary line of the District of Columbia, thence in and through the said District to the Anacostia River at any point thereon above Benning's bridge.

The Chesapeake Bay, &c. Canal Company may extend its canal to Anacostia River;

SEC. 2. *And be it further enacted,* That the said company are hereby authorized and empowered to take, purchase, and hold, for the purpose[s] of this act, so much real estate and other property as shall be necessarily required for the proper construction of the extension aforesaid, and for the construction of all proper and convenient basins, locks, reservoirs, docks, and wharves, to be connected with said extension. And where the said company shall not be able to procure such real estate by purchase

may take and hold property necessary for proper construction of extension, &c.

Proceedings where land can-

not be purchased, or the owner is under disability.

Commission of inquest of damages.

Report to be made.

Notice.

Report to be confirmed.

Inquest may be set aside.

New commission and inquisition from time to time.

Property taken to be described, and valuation paid.

Company to pay expenses of inquisition.

Tolls and rents.

Canal extension to be a public highway.

Public property of the United States to go through free of tolls.

Company when required to give Congress an account of receipts and expenditures, &c.

from the owner thereof, or the owner thereof shall be a femme covert, infant, non compos mentis, imprisoned, or resident beyond the District of Columbia, then application may be made by the president of said company to the chief justice of the supreme court of the District of Columbia, for the appointment of three persons, who shall be freeholders in said District, as a commission of inquest of damages, and who shall go upon and inspect any property proposed to be taken by said company for the purposes contemplated by this act; and before any person so appointed as such commissioner shall proceed to act, he shall take an oath or affirmation that he will fairly and truly value the damages sustained by the owner or owners of any property by the use and occupation of any such real estate, water rights, or other property, by said company; and said commission shall reduce their inquisition or finding to writing, and sign and seal the same, and it shall then be returned to the said chief justice, who shall file the same in the office of the register of deeds of the city of Washington. But no such inquisition shall be had until after ten days' notice thereof has been served on the owner of the real estate so to be taken, when he resides in the District of Columbia, or by publication of notice in one or more of the daily newspapers published in the city of Washington, for twenty days where such owner resides beyond said District. When the owner is a femme covert, the notice shall be to her and her husband; when he is a minor, to his guardian; and when he is non compos mentis, to his committee, or the person having charge of his estate. The said report shall be confirmed by the supreme court of the District of Columbia at its next term after the return of said report, unless for cause shown to the contrary. And where good cause is thus shown, the said chief justice shall set aside said inquest, and appoint another similar commission, who shall qualify in the same manner, and whose inquisition shall be taken, returned, filed, and confirmed, or set aside for good cause shown, in the same manner as the first inquisition was taken, returned, filed, and confirmed, or set aside. And such commission and inquisition shall be renewed as often as may be necessary, until the inquisition made shall be confirmed. Such inquisition shall describe the property taken by metes and bounds, and the valuation thereof shall be paid or tendered within ten days after the confirmation of such inquisition by said district court; and when such valuation or damages are so paid or tendered, said company shall have a full and perfect right to enter upon, use, occupy, and enjoy any property so valued during its corporate existence, and all expenses incurred by such inquisition shall be paid by said company.

SEC. 3. *And be it further enacted*, That it shall be lawful for said company to levy, demand, and receive such even tolls and rents for the use of the wharves and docks of said company on said extension, or for freight transported by said company, or for the passage through said extension of boats, rafts, or any other water craft, as a majority of the directors at any regular meeting shall assess therefor: *Provided*, That the Congress of the United States shall at all times have power to increase or reduce such tolls or rents.

SEC. 4. *And be it further enacted*, That the said canal extension, when completed, shall forever thereafter be esteemed and taken to be a public highway for the transportation of all goods, commodities, or produce of every kind and description, and for all canal boats, rafts, or other water crafts of every kind whatever, upon the payment of such tolls or rents as are authorized to be imposed by this act.

SEC. 5. *And be it further enacted*, That the said company shall permit all public property belonging to the United States to pass through said canal extension free of all charge or toll; and the said company shall, from time to time, as may be required, lay before Congress a just and true account of their receipts and expenditures on said extension, with a statement of the clear profits thereof.

SEC. 6. *And be it further enacted,* That, subject to the aforesaid provisions of this act, all and singular the provisions of the aforesaid act of the general assembly of the State of Maryland, entitled "An act to incorporate the Chesapeake Bay and Potomac River Tide-water Canal Company," relating to the powers, liabilities, and authority of said company, in operating and using their canal, shall take effect and apply to the extension aforesaid in the District of Columbia.

Provisions of charter to apply to extension, subject, &c.

SEC. 7. *And be it further enacted,* That this act shall be deemed a public act, and shall take effect and be in force from and after its passage, and shall be subject to alteration or repeal by Congress.

Act to be a public act, and when to take effect.

APPROVED, July 26, 1866.

CHAP. CCLXIV. — *An Act authorizing the Secretary of the Treasury to issue Certificates of Registry, or Enrolment and License, to certain Vessels.* July 26, 1866.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to issue certificates of registry, or enrolment and license, to the steamer "Diana," of Victoria, Vancouver Island; the schooners "M. C. Rowe," of Gloucester, Massachusetts; "Mary," of Dexter, New York; "Jesse Conger," of Oswego, New York; "N. C. Ford," of Buffalo, New York; "Sweet Home," of Rochester, New York; "Alma," of Sodus, New York; "Marco Polo," of Erie, Pennsylvania; brig "Three Bells," of Rochester, New York; barque "J. S. Austin," of Buffalo, New York; and the sloop "Dolphin," of Alexandria Bay, New York: *Provided,* That there shall be paid on each of such vessels that are foreign built a tax equal to the internal revenue tax upon the materials and construction of similar vessels of American build.

Certificate of registry, or enrolment and license, may issue to the Diana; M. C. Rowe; Mary; Jesse Conger; N. C. Ford; Sweet Home; Alma; Marco Polo; J. S. Austin; Dolphin.

APPROVED, July 26, 1866.

CHAP. CCLXV. — *An Act to authorize the Issue of certain Bonds in Denominations greater than One Thousand Dollars.* July 26, 1866.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the bonds of the United States authorized by the act of July first, eighteen hundred and sixty-two, "To aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean," and by all acts amendatory thereof, may be issued in denominations greater than one thousand dollars, at the discretion of the Secretary of the Treasury: *Provided, however,* That it shall at all times be optional with any railroad company whether they will receive bonds of a larger denomination than one thousand dollars.

Bonds issued in favor of certain railroad companies may be of larger denominations than \$1000. Proviso. 1862, ch. 120. Vol. xii. p. 489. 1864, ch. 216. Vol. xiii. p. 356. 1865, ch. 88. Vol. xiii. p. 504.

APPROVED, July 26, 1866.

CHAP. CCLXVI. — *An Act making Appropriations for the Current and Contingent Expenses of the Indian Department, and for fulfilling Treaty Stipulations with various Indian Tribes for the Year ending thirtieth June, eighteen hundred and sixty-seven, and for other Purposes.* July 26, 1866.

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 they are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian department and fulfilling treaty stipulations with the various Indian tribes —

Appropriations for expenses of the Indian department and treaty stipulations.

For the current and contingent expenses of the Indian department, namely:

For the pay of superintendents of Indian affairs and of Indian agents, one hundred and ten thousand and fifty dollars.

Superintendents, agents, sub-agents, clerks, &c.

For pay of sub-agents, six thousand dollars.

For pay of clerk to superintendent at Saint Louis, Missouri, one thousand two hundred dollars.