

the Treasury of the United States, in such manner as shall be prescribed by that officer, under whose direction statements of the same shall be prepared and published.

Approved, May 7, 1874.

**CHAP. 154.**—An act to amend the thirty-first section of an act entitled "An act for enrolling and calling out the national militia, and for other purposes," approved March third, eighteen hundred and sixty-three.

May 8, 1874.  
1863, ch. 75, § 31.  
vol. xii, p. 736.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all officers on duty at any point west of a line drawn north and south through Omaha City, and north of a line drawn east and west upon the southern boundary of Arizona, shall be allowed sixty days' leave of absence without deduction of pay or allowances: *Provided,* That the same is taken but once in two years: *And provided further,* That the leave of absence may be extended to three months, if taken once only in three years; or four months if taken once only in four years.

Leave of absence to certain army officers.

Provisos.

Approved, May 8, 1874.

**CHAP. 163.**—An act in relation to the customs duties on imported fruits.

May 9, 1874.

*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 is hereby directed to suspend the repayment of all duties heretofore paid on imported fruits until further legislation by Congress authorizing the same, or until the final decision of the Supreme Court, except in cases where suits in court have been discontinued by instructions of the Secretary of the Treasury. And the error in the punctuation of the clause relating to fruit-plants in the fifth section of the act approved June six, eighteen hundred and seventy-two, entitled "An act to reduce duties on imports, and to reduce internal taxes, and for other purposes," of inserting a comma instead of a hyphen after the word "fruit" is hereby corrected, and said clause shall read as follows: Fruit-plants tropical and semi-tropical for the purpose of propagation or cultivation: *Provided,* That the duties imposed by virtue of this amendment shall not be levied or collected upon fruits entered for consumption at any port of entry prior to July first, eighteen hundred and seventy-four.

Repayment of duties on imported fruit suspended.

Error corrected.

1872, ch. 315, § 5  
vol. xvii, p. 235.

Proviso.

Approved, May 9, 1874.

**CHAP. 165.**—An act providing for the payment of the bonds of the Louisville and Portland Canal Company.

May 11, 1874.

1873, ch. 233, vol. xvii, p. 563.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the appropriations made by the act approved March third, eighteen hundred and seventy-three, entitled "An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," for the payment of the debts of the Louisville and Portland Canal Company, are hereby continued in full force, and are made permanently applicable to the payment of the debts of the said Louisville and Portland Canal Company; and so much as may be necessary shall be applied to the payment of the interest as it accrues, and the principal of the outstanding bonds of said company as they mature: *Provided, however,* That the Secretary of the Treasury may purchase and pay for any of said bonds, at the market price, not above par, whenever he deems it for the interest of the United States.

Appropriation for payment of debts of Louisville and Portland Canal Company continued.

Purchase of bonds.

Secretary of War to take possession.

SEC. 2. That after thirty days from the passage of this act the Secretary of War is hereby authorized and directed to take possession of the said Louisville and Portland Canal, and all the property, real and personal, of said company, as the property of the United States, as provided for by the act of the general assembly of the State of Kentucky, approved February twenty-second, eighteen hundred and forty-four, entitled "An act to amend an act entitled 'An act to amend the charter of the Louisville and Portland Canal Company,' approved January twenty-first, eighteen hundred and forty-two," conceding jurisdiction over said canal to the United States, subject however, to the mortgage-lien on said property in favor of the trustees under said mortgage and the holders of the bonds issued under it; and the Secretary of the Treasury is hereby authorized to pay the directors of said company for the stock held by them, which payment shall be made forthwith by the Secretary of the Treasury, being the sum of one hundred dollars to each director, with interest thereon at six per centum per annum since the ninth day of February, eighteen hundred and sixty-four; and he is authorized and directed to cause a careful and full examination of all the receipts and disbursements of the said company to be made, and to collect, and, if necessary, to sue for, any money due to or held for the said company by the directors of said company, or the trustees under said mortgage, or by any person whatever. And said Secretary of the Treasury is hereby directed and empowered, immediately upon the passage of this act to give public notice in such manner as, in his judgment, will best effect the purpose, to all persons and corporations having debts of any nature against said Louisville and Portland Canal Company, except the bonded debt thereof, to present them to him on or before the first day of July, eighteen hundred and seventy-five; and any such debt not presented on or before said day shall be forever barred. And said Secretary is hereby directed and authorized to examine, audit, and, in his discretion, allow such debts, or any of them, being hereby vested with any power necessary to that end; and he shall embrace his action in the premises in his succeeding annual report: *Provided, however,* That no sum of money shall be paid by the Secretary of the Treasury on account of any claim for either city or State taxes assessed, or to be hereafter assessed, against said company, or against the said canal property, or any of its appurtenances.

Purchase of certain stock from directors.

Examination of accounts.

Debts due company to be collected.

Debts of company to be presented to Secretary of Treasury on or before July 1, 1875.

Debts to be examined, audited, and allowed.

Report to Congress

No payment for taxes.

Use of canal to be free, except.

Tolls for present year

Future tolls.

Superintendence, &c.

Report to Congress.

Restriction on expenditure.

Trustees of mortgage bonds may commence proceedings making United States a party.

SEC. 3. That the said canal and property appertaining thereto shall be held for the common use and benefit of the people of the United States, free of all tolls and charges except such as are necessary to pay the current expenses of said canal, and to keep the same in repair; and for the present year they shall be at the rate of ten cents per ton capacity on vessels propelled by steam and five cents per ton on other vessels; and to ascertain what rates will pay current expenses after the present year, the Secretary of War shall, on the first Monday of January of each year, ascertain from the expenses of the previous year what tolls will probably pay the expenses of the current year; and he shall fix and declare the rate of tolls thus ascertained to be charged for the current year; and, until otherwise provided by law, the Secretary of War shall provide for the superintendence, management, and repair of said canal, and may apply the tolls so received, as far as may be necessary, to pay the current expenses of said canal; and he shall, in his next annual report, set forth such receipts and expenditures and the condition of said canal with a view to such legislation as may be necessary for the superintendence and management thereof; but no expenditure nor contract for expenditure of money shall be made under the authority of this section in any one year to an amount greater than the amount which may be received during such year from tolls on said canal.

SEC. 4. That if at any time it become necessary to enforce the lien of the mortgage upon said canal property for the benefit of the bondholders, it shall be lawful for the trustees named in said mortgage, or any other trustees who may be appointed in pursuance of the laws of Kentucky, to commence proceedings therein in any court having jurisdiction there-

of, with notice to the United States as terre tenant pro forma, and serve process upon any officer of the United States who shall have the superintendence of said canal, whose duty it shall be to notify the Attorney-General of the United States of such service; whereupon said Attorney-General shall enter an appearance in said case, and take all necessary steps to represent and defend the interests of the United States in such proceedings, so that the same may be conducted in the same manner and with the like effect as if the said Louisville and Portland Canal Company were still in existence as a corporation.

Approved, May 11, 1874.

**CHAP. 166.**—An act to authorize the Secretary of War to furnish copies of certain papers called for by resolution of the House. May 11, 1874.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is hereby authorized to employ such number of temporary clerks as may be necessary to speedily copy and furnish to this House the papers heretofore called for in the matter of the trial of Captain Hurtt, by resolution of March tenth, eighteen hundred and seventy-four, and that the sum of two hundred and fifty dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of defraying the expenses thereof.

Appropriation for copying papers relating to trial of Captain Hurtt.

Approved, May 11, 1874.

**CHAP. 168.**—An act to establish an assay-office at Helena, in the Territory of Montana. May 12, 1874.

*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 is hereby authorized and required to establish an assay-office at Helena, in the Territory of Montana, the said assay-office to be conducted under the provisions of the act entitled "An act revising and amending the laws relative to the mints, assay-offices, and coinage of the United States," approved February twelfth, eighteen hundred and seventy-three.

Assay-office at Helena, Montana. 1873, ch. 131, vol. xvii, p. 424.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to cause to be constructed a suitable building at Helena, in the Territory of Montana, for the purpose of said assay-office, and provide the same with the necessary fixtures and apparatus, at a cost not exceeding fifty thousand dollars, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Building to be constructed.

Limit of cost,

Approved, May 12, 1874.

**CHAP. 170.**—An act to enable the Secretary of War to carry out the act of April twenty-third, eighteen hundred and seventy-four, entitled "An act to provide for the relief of the persons suffering from the overflow of the Mississippi River," and for other purposes. May 13, 1874.

Ante, ch. 125, p. 34.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That to enable the Secretary of War to carry out the provisions of the act approved April twenty-third, eighteen hundred and seventy-four, entitled "An act to provide for the relief of the persons suffering from the overflow of the lower Mississippi River," the sum of ninety thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of purchasing supplies of food to be issued under his direction to any and all classes of destitute or helpless persons living

Appropriation for supplies to sufferers from overflow of lower Mississippi River.