

Register tonnage.

the middle of its height) the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively one, two, three, and so forth, commencing at the stem; multiply the second, and all other even-numbered breadths by four, and the third, and all the other odd-numbered breadths (except the first and last) by two; to the sum of these products add the first and last breadths, multiply the whole sum by one third of the common interval between the breadths, and the result will give, in superficial feet, the mean horizontal area of such space; measure the mean height between the plank of the two decks, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the vessel, ascertained as aforesaid. And if the vessel has more than three decks, the tonnage of each space between decks, above the tonnage-deck, shall be severally ascertained in the manner above described, and shall be added to the tonnage of the vessel, ascertained as aforesaid.

Tonnage of open vessels.

In ascertaining the tonnage of open vessels the upper edge of the upper strake is to form the boundary line of measurement, and the depth shall be taken from an athwartship line, extending from upper edge of said strake at each division of the length.

Register to express number of decks, tonnage, &c.

The register of the vessel shall express the number of decks, the tonnage under the tonnage-deck, that of the between-decks, above the tonnage-deck; also that of the poop or other enclosed spaces above the deck, each separately. In every registered United States ship or vessel the number denoting the total registered tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if it at any time cease to be so continued such vessel shall no longer be recognized as a registered United States vessel.

Tonnage to be marked on main beam.

Charges for measurement, and for certifying the same.

SEC. 4. *And be it further enacted*, That the charge for the measurement of tonnage and certifying the same shall not exceed the sum of one dollar and fifty cents for each transverse section under the tonnage-deck; and the sum of three dollars for measuring each between-decks above the tonnage-deck; and the sum of one dollar and fifty cents for each poop, or closed-in space available for cargo or stores, or for the berthing or accommodation of passengers, or officers and crew above the upper or spar-deck.

Provisions of this act not to apply to certain vessels.

SEC. 5. *And be it further enacted*, That the provisions of this act shall not be deemed to apply to any vessel not required by law to be registered, or enrolled, or licensed, and all acts and parts of acts inconsistent with the provisions of this are hereby repealed.

APPROVED, May 6, 1864.

May 12, 1864.

CHAP. LXXXIV. — *An Act for a Grant of Lands to the State of Iowa, in alternate Sections, to aid in the Construction of a Railroad in said State.*

Land granted to Iowa for a railroad from Sioux City, to south line of state;

for the McGregor Western railroad.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, granted to the state of Iowa, for the purpose of aiding in the construction of a railroad from Sioux City, in said state, to the south line of the state of Minnesota, at such point as the said state of Iowa may select between the Big Sioux and the west fork of the Des Moines river; also to said state for the use and benefit of the McGregor Western Railroad Company, for the purpose of aiding in the construction of a railroad from a point at or near the foot of Main Street, South McGregor, in said state, in a westerly direction, by the most practicable route, on or near the forty-third parallel of north latitude, until it shall intersect the said road running from Sioux City to the Minnesota state line, in the county of O'Brien, in said state, every alternate section of land designated by odd

numbers for ten sections in width on each side of said roads; but, in case it shall appear that the United States have, when the lines or routes of said roads are definitely located, sold any section or any part thereof granted as aforesaid, or that the right of preëmption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected, for the purposes aforesaid, from the public lands of the United States nearest to the tiers of sections above specified, so much land in alternate sections, or parts of sections, designated by odd numbers, as shall be equal to such lands as the United States have sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or preëmption has attached, as aforesaid, which lands thus indicated by odd numbers and sections, by the direction of the Secretary of the Interior, shall be held by the state of Iowa for the uses and purposes aforesaid: *Provided*, That the lands so selected shall in no case be located more than twenty miles from the lines of said roads: *Provided, further*, That any and all lands heretofore reserved to the United States by any act of congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or other purpose whatever, be, and the same are hereby, reserved and excepted from the operation of this act, except so far as it may be found necessary to locate the routes of said roads through such reserved lands, in which case the right of way shall be granted, subject to the approval of the President of the United States.

If any lands granted have been before sold, &c., other lands may be selected in lieu thereof.

Limit of location.

Lands formerly granted, &c., excepted from this act, but right of way may be had.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which by such grant shall remain to the United States within ten miles on each side of said roads shall not be sold for less than double the minimum price of public lands when sold, nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder at or above the minimum price as aforesaid: *Provided*, That actual bona fide settlers under the preëmption laws of the United States may, after due proof of settlement, improvement, and occupation, as now provided by law, purchase the same at the increased minimum price: *And provided, also*, That settlers under the provisions of the homestead law, who comply with the terms and requirements of said act, shall be entitled to patents for an amount not exceeding eighty acres each, anything in this act to the contrary notwithstanding.

Minimum price of lands not granted.

When subject to sale at private entry.

Proviso.

Actual preëmption settlers, and those under the homestead law.

SEC. 3. *And be it further enacted*, That the lands hereby granted shall be subject to the disposal of the legislature of Iowa, for the purposes aforesaid and no other. And the said railroads shall be, and remain, public highways for the use of the government of the United States, free of all toll or other charges upon the transportation of any property or troops of the United States.

Lands, how to be disposed of and for what purposes only.

Roads to be public highways.

SEC. 4. *And be it further enacted*, That the lands hereby granted shall be disposed of by said state, for the purposes aforesaid only, and in manner following, namely: When the governor of said state shall certify to the Secretary of the Interior that any section of ten consecutive miles of either of said roads is completed in a good, substantial, and workmanlike manner as a first-class railroad, then the Secretary of the Interior shall issue to the state, patents for one hundred sections of land for the benefit of the road having completed the ten consecutive miles as aforesaid. When the governor of said state shall certify that another section of ten consecutive miles shall have been completed as aforesaid, then the Secretary of the Interior shall issue patents to said state in like manner, for a like number; and when certificates of the completion of additional sections of ten consecutive miles of either of said roads are, from time to time, made as aforesaid, additional sections of lands shall be patented as aforesaid, until said roads, or either of them, are completed, when the whole of the

Lands, how to be disposed of.

Patents to issue for a hundred sections of land upon completion of ten consecutive miles of road.

McGregor
Western Rail-
road to complete
twenty miles of
its road annually.

Lands to revert
to state unless
roads are com-
pleted within ten
years, &c.

Not to be en-
cumbered, ex-
cept, &c.

Secretary of
Interior to with-
draw lands,
when, &c.

Mails to be
transported.

Pay, how de-
termined.

Grant to Min-
nesota for road
from St. Paul to
southern line of
state.

Conditions of
grant.

1857, ch. 99.

Vol. xi. p. 195.

Lands may be
selected, where.

lands hereby granted shall be patented to the state for the uses aforesaid and none other: *Provided*, That if the said McGregor Western Railroad Company, or assigns, shall fail to complete at least twenty miles of its said road during each and every year from the date of its acceptance of the grant provided for in this act, then the state may resume said grant, and so dispose of the same as to secure the completion of a road on said line and upon such terms, within such time as the state shall determine: *Provided, further*, That if the said roads are not completed within ten years from their several acceptance of this grant, the said lands hereby granted and not patented shall revert to the state of Iowa for the purpose of securing the completion of the said roads within such time, not to exceed five years, and upon such terms as the state shall determine: *And provided, further*, That said lands shall not in any manner be disposed of or encumbered, except as the same are patented under the provisions of this act; and should the state fail to complete said roads within five years after the ten years aforesaid, then the said lands undisposed of as aforesaid shall revert to the United States.

SEC. 5. *And be it further enacted*, That as soon as the governor of said state of Iowa shall file or cause to be filed with the Secretary of the Interior maps designating the routes of said roads, then it shall be the duty of the Secretary of the Interior to withdraw from market the lands embraced within the provisions of this act.

SEC. 6. *And be it further enacted*, That the United States mail shall be transported on said roads and branch, under the direction of the post-office department, at such price as congress may by law provide: *Provided*, That until such price is fixed by law the Postmaster-General shall have power to fix the rate of compensation.

SEC. 7. *And be it further enacted*, That there be, and is hereby, granted to the state of Minnesota for the purpose of aiding in the construction of a railroad from St. Paul and St. Anthony, via Minneapolis, to a convenient point of junction west of the Mississippi, to the southern boundary of the state, in the direction of the mouth of the Big Sioux river, four additional alternate sections of land per mile, to be selected upon the same conditions, restrictions, and limitations as are contained in the act of congress entitled "An act making a grant of land to the territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said territory, and granting public lands, in alternate sections, to the state of Alabama, to aid in the construction of a certain railroad in said state," approved March third, eighteen hundred and fifty-seven: *Provided*, That the land to be so located by virtue of this section may be selected within twenty miles of the line of said road, but in no case at a greater distance therefrom.

APPROVED, May 12, 1864.

May 12, 1864.

CHAP. LXXXV. — *An Act concerning the Disposition of Convicts in the Courts of the United States, for the Subsisting of Persons confined in Jails charged with violating the Laws of the United States, and for diminishing the Expenses in Relation thereto.*

Convicts in
courts of the
United States,
how to be dis-
posed of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons who have been, or who may hereafter be, convicted of crime by any court of the United States — not military — the punishment whereof shall be imprisonment, in a district or territory where, at the time of such conviction, there may be no penitentiary or other prison suitable for the confinement of convicts of the United States, and available therefor, shall be confined during the term for which they have been or may be sentenced, in some suitable prison in a convenient state or territory to be designated by the Secretary of the Interior, and shall be transported and delivered to the warden or keeper of the prison by the marshal of the district or territory