

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

where such conviction shall have occurred; or if such conviction be had in the District of Columbia, then and in such case the transportation and delivery shall be by the warden of the jail of said district; the reasonable actual expense of transportation, necessary subsistence and hire, and transportation of guards and the marshal, or the warden of the jail in the District of Columbia, only, to be paid by the Secretary of the Interior, out of the judiciary fund: *Provided*, That if, in the opinion of the Secretary, the expense of transportation from any state, territory, or the District of Columbia, in which there is no penitentiary, will exceed the cost of maintaining them in jail in the state, territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their sentence.

in the District
of Columbia.

Proviso.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Interior to contract with the managers or proper authorities having the control of such prison or prisoners, for the imprisonment, subsistence, and proper employment of all such prisoners, and to give the court having jurisdiction of such offences, in said district, notice of the prison where such persons will be confined if convicted.

Secretary of
Interior to con-
tract with state
authorities for the
subsistence, em-
ployment, &c.,
of such prisoners,
and to notify
the court.

SEC. 3. *And be it further enacted*, That hereafter there shall be allowed and paid by the Secretary of the Interior, for the subsistence of prisoners in the custody of any marshal of the United States and the warden of the jail in the District of Columbia, such sum only as it shall reasonably and actually cost to subsist them. And it shall be the duty of the Secretary of the Interior to prescribe such rules and regulations for the government of the marshals and the warden of the jail in the District of Columbia, in relation to their duties under this act, as will enable him to determine the actual and reasonable expense incurred.

Actual reason-
able costs of sub-
sisting prisoners
to be paid.

Rules, &c.,
therefor.

SEC. 4. *And be it further enacted*, That it shall be the duty of the warden of the jail in the District of Columbia, whenever any person confined in said jail shall be adjudged to suffer death, to carry such judgment into execution; but nothing in this act nor "An act to authorize the appointment of a warden of the jail in the District of Columbia," approved February twenty-nine, eighteen hundred and sixty-four, shall be construed to impair or interfere with the authority of the marshal of the said district to commit persons to said jail, or to produce them in open court or before any judicial officer when thereto required. And it shall be the duty of the warden of said jail to receive such prisoners, and to deliver them to said marshal or his duly-authorized deputy, on the written request of either, for the purpose of taking them before any court or judicial officer as aforesaid.

Execution in
capital cases.

Construction
of this and of
former act.
1864, ch. 16.
Ante, p. 12.

SEC. 5. *And be it further enacted*, That the office of warden of the penitentiary in the District of Columbia shall, from and after the passage of this act, be suspended, and the salary and emoluments thereof cease, during the time in which there shall be no penitentiary used in said district.

Office of war-
den of peniten-
tiary in Dis-
trict of Colum-
bia suspended.

APPROVED, May 12, 1864.

CHAP. LXXXVI. — *An Act relating to Appointments in the Naval Service and Courts-Martial.*

May 16, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter all appointments in the volunteer naval service of the United States, above the rank of acting master, shall be submitted to the Senate for confirmation, in the same way and manner as appointments in the regular navy are required to be submitted.

Appointments
in the volunteer
naval service to
be sent to Senate
for confirmation.

SEC. 2. *And be it further enacted*, That naval courts-martial shall have power to sentence officers who shall absent themselves from their commands without leave, to be reduced to the rating of ordinary seamen.

Power of naval
courts-martial.

APPROVED, May 16, 1864.