able, at the option of the plaintiff. But an action against one or some of the parties by whom the money is payable may, while the litigation therein continues, be pleaded in bar of another action against another or others of said parties.

Effect of sales under decrees in equity upon the right, &c. of former owner;

and of decree where registered.

Particular forms of conveyance.

Sec. 21. *And be it further enacted*, That in case of the sale of things, real or personal, under a decree in equity, the decree confirming the sale shall divest the right, title, or interest sold out of the former owner, party to the suit, and vest it in the purchaser, without any conveyance by the officer or agent of the court conducting the sale. And of this transfer of title the decree shall be notice to all the world, when a copy thereof shall be registered among the land records of the District. Nevertheless, the court may order its officer or agent aforesaid to make a conveyance, if that mode be deemed preferable, in particular cases.

Plaintiff not to recover costs when amount of verdict is less than, &c.

Sec. 22. *And be it further enacted*, That if the declaration state a cause of action of which the court has jurisdiction, but the verdict finds the money payable by the defendant to the plaintiff to be less than the lowest sum of which the court has jurisdiction, the plaintiff shall have judgment for the amount found due to him from the defendant, but without costs.

Repeal of inconsistent laws.

Sec. 23. *And be it further enacted*, That all laws and parts of laws in conflict with these provisions are repealed.

Approved, February 22, 1867.

Feb. 22, 1867.

CHAP. LXV. — *An Act providing for the Punishment of certain Crimes therein named in the District of Columbia, and for other Purposes.*

Penalty for larceny of money or goods and chattels of the value of $35, or more;

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall steal any money or other personal goods or chattels, the property of another, of the value of thirty-five dollars or upward, the person so offending shall be deemed guilty of larceny, and, upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor not more than three years, nor less than one year.

for larceny or malicious destruction of notes, bank bills, &c. of said value, with knowledge, &c.;

Sec. 2. *And be it further enacted*, That if any person shall steal, or maliciously and feloniously destroy any bank bill, promissory note or notes, bill of exchange, order, receipt, warrant, draft, check, or bond, given for the payment of money, or receipt acknowledging the receipt of money or other property, or any government bonds or other securities, or stamps, United States treasury notes, or any public stocks, of the value of thirty-five dollars or upward, knowing the same to be such, any such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the penitentiary, and kept at hard labor not more than three years, nor less than one year.

for buying or receiving goods, notes, &c. knowing them to be stolen;

Sec. 3. *And be it further enacted*, That if any person shall receive or buy any goods, or chattels, or bank bill or bills, or promissory note or notes, bill of exchange, order, receipt, draft, warrant, check, or bond, given for the payment of money, or any government bond, United States treasury note or notes, or other securities, or government stamps, or stocks, of the value of thirty-five dollars, or upwards, which have been stolen, knowing the same to be stolen, with intent to defraud the owners thereof, every person so offending shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the penitentiary, and kept at hard labor, not more than three [years,] nor less than one year.

for the larceny, &c. of money, goods, &c. or the malicious destruction of notes, &c. of less value than $35.

Sec. 4. *And be it further enacted*, That if any person shall steal any money, or other goods and chattels of any kind whatever, of less value than thirty-five dollars, the property of another, or shall steal or maliciously destroy any bank bill, promissory note, bill of exchange, order, warrant, draft, check, or bond, or any accountable receipt for money, given for the payment or acknowledgment of any sum under thirty-five dollars, or any United States treasury note or government stamps of less value

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

than thirty-five dollars, the property of another, or shall receive or buy the same, knowing the same to be stolen, for the purpose of defrauding the owner thereof, every such person so offending, on conviction thereof, shall make restitution to the party injured in twofold the value of the property stolen or destroyed, and be fined in any sum not exceeding two hundred dollars, or shall be imprisoned in the jail of said District for any time not exceeding six months, or both, at the discretion of the court.

Penalty for receiving or buying the same, knowing them to be stolen, to defraud the owner thereof.

Twofold restitution, fine, or imprisonment.

SEC. 5. *And be it further enacted*, That if any clerk, or servant of any private person, or any copartnership, (except persons within the age of sixteen years.) or any officer, agent, clerk, or servant of any incorporated company, shall embezzle or convert to his own use, or fraudulently take, make way with, or secrete with intent to embezzle or fraudulently convert to his own use, without the assent of his master or employers, any money, goods, rights of action, government bonds, United States treasury notes, or government stamps, or other valuable security or effects whatever, belonging to any other person, which shall come into his possession, or under his care by virtue of such employment or office, he shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the article or property so embezzled, taken, or secreted, or of the value of any sum of money payable or due upon any right in action so embezzled.

Embezzlement.

Penalty as for larceny.

SEC. 6. *And be it further enacted*, That every embezzlement of any evidence of debt, negotiable by delivery only, and actually executed by the master or employer of any such clerk, agent, officer, or servant, but not delivered or issued as a valid instrument, shall be deemed an offence within the meaning of the last preceding section.

Embezzlement of evidences of debt executed but not delivered.

SEC. 7. *And be it further enacted*, That every person who shall buy, or in any way receive any money, goods, rights in action, government bonds, United States treasury notes, or other valuable security or effects whatever, or government stamps, knowing the same to have been embezzled, taken, or secreted, contrary to the provisions of the two last sections, shall, upon conviction, be punished in the same manner, and to the same extent as therein prescribed upon a conviction of a servant, clerk, or agent for such embezzlement.

Penalty for knowingly buying or receiving embezzled property;

SEC. 8. *And be it further enacted*, That if any carrier or other person, to whom any goods, money, right in action, or any valuable personal property or effects, shall have been delivered to be transported or carried, for hire, or any person employed in such transportation or carrying, shall, without the assent of his employer, take, embezzle, or convert to his own use, such goods, money, right in action, property or effects, or any part of them, and before delivery of such article at the place or to the person entitled to receive them, he shall, upon conviction, be punished in the manner prescribed by law for feloniously stealing property of the value of the article so taken, embezzled, converted, or secreted.

upon carriers for hire, for taking, converting, &c. property delivered to them for carriage.

SEC. 9. *And be it further enacted*, That all persons sentenced to imprisonment in the jail of said District may be employed at such labor, and under such regulations, as may be prescribed by the supreme court of said District, and the proceeds thereof applied to defray the expenses of the trial and conviction of any such person.

Persons imprisoned in jail may be employed at hard labor.

SEC. 10. *And be it further enacted*, That it shall be the duty of the supreme court of said District to make such rules for the government and discipline of the prisoners confined in said jail as shall be deemed necessary for the health, security, and the protection of said prisoners from cruel treatment by any person in charge thereof.

Rules for the government, discipline, and protection of prisoners in the jail.

SEC. 11. *And be it further enacted*, That on the trial of any person charged with a crime, the punishment whereof may be confinement in the penitentiary or District jail, the defendant shall be entitled to four peremptory challenges of jurors.

Defendant entitled to four peremptory challenges when, &c.

SEC. 12. *And be it further enacted*, That in all criminal trials the said

Court may allow witnesses for defence to be paid as, &c.

supreme court, or the judge trying the case, may allow such number of witnesses on behalf of the defendant as may appear necessary, and the fees thereof, with the costs of service, to be paid in the same manner as government witnesses are now paid.

Repealing clause.

SEC. 13. *And be it further enacted*, That all laws of said District inconsistent with the provisions of this act be, and the same are hereby, repealed; and that this act shall take effect from and after its passage.

When act takes effect.

APPROVED, February 22, 1867.

Feb. 22, 1867.

CHAP. LXVI. — *An Act to restore Lieutenant Joseph P. Fyffe to his Grade in Active Service of the Navy.*

Lieut. Joseph P. Fyffe may be appointed to the active list of the navy, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be authorized to nominate, and with the advice and consent of the Senate to appoint, Lieutenant Joseph P. Fyffe to the active list of the navy, and to restore him to the rank to which he may be entitled thereon.

APPROVED, February 22, 1867.

Feb. 22, 1867.

CHAP. LXVII. — *An Act fixing the Compensation for the Bailiffs and Criers of the Courts of the District of Columbia.*

Pay of bailiffs and criers of the courts of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bailiffs and criers, who are required by the marshal or courts of the District of Columbia to attend upon the district, circuit, or criminal court of said District, shall be paid by said marshal three dollars and fifty cents per day for each day's attendance, (instead of two dollars, as now provided by law,) commencing with the first of January, eighteen hundred and sixty-six.

APPROVED, February 22, 1867.

Feb. 25, 1867.

CHAP. LXXVI. — *An Act to authorize the Construction of a submerged Tubular Bridge across the Mississippi River at the City of Saint Louis.*

A submerged iron tubular bridge may be built and maintained across the Mississippi river at Saint Louis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the "Mississippi Submerged Tubular Bridge Company," a corporation organized under the laws of the State of Missouri, be, and the same is hereby, empowered to construct, maintain, and operate a submerged iron tubular bridge across the Mississippi river, between the city of Saint Louis, in the State of Missouri, and the city of East Saint Louis, in the State of Illinois, subject to all the conditions contained in said act of incorporation and not inconsistent with the provisions of this act. And in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of said waters, the cause may be tried before the district court of the United States of any State in which any portion of said obstruction or bridge touches.

Questions of obstructing the free navigation of the river may be tried in what courts.

Top of bridge to be below the bed of the river, &c.

SEC. 2. *And be it further enacted*, That any bridge built under the provisions of this act shall be tubular in construction, and sunk below the bed of said river, so that the top of said structure shall be below the bed of the channel of the Mississippi river, and so that the same shall in no wise interfere with or obstruct navigation when completed, or prevent a safe and expeditious transit for all classes of vessels upon said river during construction.

Any such bridge to be a lawful structure and a post-route.

Charges for transportation.

SEC. 3. *And be it further enacted*, That any bridge erected under the provisions of this act shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, the munitions of war of the United States, than the rate per mile which the railroad companies terminating at either end receive for such services.