Distillers and refiners to be deemed manufacturers, and subject to tax. 1868, ch. 41, § 4. *Ante*, p. 59.

manufacturer or his agent or agents at the passage of this act, and unsold, shall be collected; but distillers and refiners of mineral oils shall be considered as manufacturers and subject to the tax on sales provided for in the fourth section of the act "to exempt certain manufacturers from internal tax, and for other purposes," approved March thirty-first, eighteen hundred and sixty-eight.

APPROVED, July 20, 1868.

July 23, 1868.

CHAP. CCXXVI. — *An Act to construct a Wagon Road from West Point to Cornwall Landing, all in the County of Orange, State of New York.*

Government labor to aid in building wagon road from West Point to Cornwall Landing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the superintendent of the military academy at West Point be authorized and directed to use the labor in the employ of the United States government at that post, when not otherwise employed, in building and constructing a wagon road from West Point to Cornwall Landing, in the county of Orange, said road to be located under the direction of the said superintendent, over land now belonging or hereafter to be ceded to the government of the United States for that purpose.

APPROVED, July 23, 1868.

July 23, 1868.

CHAP. CCXXVII. — *An Act to authorize the temporary Supplying of Vacancies in the Executive Departments.*

In case of the death, absence, &c. of head of any executive department, who to perform the duties;

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of the death, resignation, absence, or sickness of the head of any executive department of the government, the first or sole assistant thereof shall, unless otherwise directed by the President of the United States, as is hereinafter provided, perform the duties of such head until a successor be appointed, or such absence or sickness shall cease.

of chief of bureau, &c. except, &c.

SEC. 2. *And be it further enacted*, That in case of the death, resignation, absence, or sickness of the chief of any bureau, or of any officer thereof, except commissioner of patents, whose appointment is not in the head of any executive department, the deputy of such chief or of such officer, or if there be no deputy, then the chief clerk of such bureau, shall, unless otherwise directed by the President of the United States, as is hereinafter provided, perform the duties of such chief or of such officer until a successor be appointed or such absence or sickness shall cease. And no appointment, designation, or assignment otherwise than as is herein provided, in the cases mentioned in the first, second, and third sections of this act, shall be made except to fill a vacancy happening during the recess of the Senate.

No appointment to be made except to fill a vacancy happening during a recess of the Senate.

Head of other executive department, &c. may be directed to perform duties;

but for not more than ten days, &c.

Commissioner of patents.

SEC. 3. *And be it further enacted*, That in any of the cases hereinbefore mentioned it shall be lawful for the President of the United States, in his discretion, to authorize and direct the head of any other executive department or other officer in either of those departments whose appointment is, by and with the advice and consent of the Senate, vested in the President, to perform the duties of the office vacant as aforesaid until a successor be appointed, or the sickness or absence of the incumbent shall cease: *Provided*, That nothing in this act shall authorize the supplying as aforesaid a vacancy for a longer period than ten days when such vacancy shall be occasioned by death or resignation, and the officer so performing the duties of the office temporarily vacant shall not be entitled to extra compensation therefor: *And provided also*, That in case of the death, resignation, absence, or sickness of the commissioner of patents, the duties of said commissioner, until a successor be appointed or such absence or sickness shall cease, shall devolve upon the examiner-in-chief in said office oldest in length of commission.

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