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Right of Kansas to tax.

SEC. 7. That nothing in this act shall be so construed as to prevent said land from being taxed under the laws of the State of Kansas, as other lands are or may be taxed in said State, from and after the time the first payment is made on said land, according to the provisions of this act.

Railways to have right to purchase certain land

SEC. 8. That the said railroads or either of them shall have the right to purchase such subdivisions of lands as are located outside of the right of way, heretofore granted to them, and which were occupied by them on said tenth day of April, eighteen hundred and seventy-six, for stock-yards, storage-houses, or any other purposes legitimately connected with the operation and business of said roads, whenever the same does not conflict with a settler who in good faith made a settlement prior to the occupation of said lands by said railroad company or companies, in the same manner and at the same price settlers are authorized to purchase under the provisions of this act.

Approved, August 11, 1876.

Aug 11, 1876.

CHAP. 260.—An act to amend sub-sections two hundred and forty-six and two hundred and fifty-one of section twelve, of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes" approved June twenty-third, eighteen hundred and seventy-four, and for other purposes, and section thirty-nine hundred and fifty-four of the Revised Statutes.

1874, ch. 456, § 12, 18 Stat., 235, amended.
R. S., 3954, p. 772, amended.
R. S., 3946, p. 770, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sub-sections two hundred and forty-six and two hundred and fifty-one of section twelve, of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes," approved June the twenty-third, eighteen hundred and seventy-four, and for other purposes, and also to amend section thirty-nine hundred and fifty-four of the Revised Statutes be amended as follows:

Oaths of sureties to be indorsed on bonds of bidders for carrying mail.

"SEC. 246. That before the bond of a bidder, provided for in the aforesaid section, is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate worth in the aggregate a sum double the amount of said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever. Accompanying said bond and as a part thereof, there shall be a series of interrogatories, in print or writing, to be prescribed by the Postmaster-General, and answered by the sureties under oath showing the amount of real estate owned by them, a brief description thereof, and its probable value, where it is situated, in what county and State the record evidence of their title exists. And if any surety shall knowingly and willfully swear falsely to any statement made under the provisions of this section he shall be deemed guilty of perjury, and, on conviction thereof, be punished as is provided by law for commission of the crime of perjury."

Interrogatories to accompany bond.

Penalty for false oath.

R. S., 3951, p. 771, amended.

Proceedings on failure of lowest bidder to enter into contract, etc.

"SEC. 251. That after any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the mails according to his proposals, or having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder or bidders in the order of their bids, for the same service, who will enter into a contract for the performance thereof, unless the Postmaster-General shall consider such bid or bids too high, and in case each of said bids shall be considered too high, then the Postmaster-General shall be authorized to enter into contract, at a price less than that named in said bids, with any person, whether

a bidder or not, who will enter into contract to perform the service in accordance with the terms and provisions prescribed for the execution of other contracts for similar service; and in case no satisfactory contract can be thus obtained, he shall re-advertise such route. And if any bidder whose bid has been accepted, and who has entered into a contract to perform the service according to his proposal, and in pursuance of his contract has entered upon the performance of the service, to the satisfaction of the Postmaster-General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster-General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof, (unless the Postmaster-General shall consider such bid too high) who will enter into contract and give bond, with sureties, to be approved by the Postmaster-General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid; and in case said next lowest bidder shall decline to enter into contract for the performance of such service, then the Postmaster-General may award the service to, and enter into contract with, any person, whether a bidder on said route or not, who will enter into contract to perform the service and execute a bond of like tenor and effect as that required of bidders, in a penalty to be prescribed, and with sureties to be approved by the Postmaster-General, for the performance of the service contracted to be performed at a price not exceeding that named in the bid of the said next lowest bidder; and if no contract can be secured at the price named in said next lowest bid, then the Postmaster-General shall proceed to secure a contract, at a price not considered too high, with any person who will execute such contract in accordance with the law applicable thereto, giving in all cases, the preference to the regular bidders on the list whose bids do not exceed the price at which others will contract therefor; and if no satisfactory contract can be thus secured, the route shall be re-advertised. Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail-route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding six months, until the service shall have commenced under a contract made according to law: *Provided however*, That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceeding contract term. "And in all cases of regular contracts hereafter made, the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same or other contractors shall be made by the Postmaster-General." And that section thirty-nine hundred and fifty-four of the Revised Statutes be amended to read as follows: "Any person or persons bidding for the transportation of the mails upon any route which may be advertised to be let, and receiving an award of the contract for such service, who shall wrongfully refuse or fail to enter into contract with the Postmaster-General in due form to perform the service described in his or their bid or proposal, or having entered into such contract shall wrongfully refuse or fail to perform such service, shall, for any such failure or refusal, be deemed guilty of a misdemeanor, and be punished by a fine of not more than five thousand dollars, and by imprisonment for not more than twelve months.

"And the failure or refusal of any such person or persons to enter into such contract in due form, or having entered into such contract

Proceedings on failure or refusal of contractor to perform service.

Proceedings on failure of accepted bidder, etc., to enter into contract.

Limit of price of temporary service.

R.S., 3954, p. 772, amended.

Penalty for wrongfully refusing, etc., to enter into contract, etc.

Evidence of wrongful refusal.

the failure or refusal to perform such service, shall be prima-facie evidence in all actions or prosecutions arising under this section that such failure or refusal was wrongful."

Approved, August 11, 1876.

CHAP. 261.—An act to authorize the Secretary of the Treasury to change the name of the steamboat "Hiram Wood." Aug. 12, 1876.

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 be, and is hereby, authorized to change the name of the steamboat "Hiram Wood" to "Dr. Burleigh," and grant an enrolment license in such other name.

Name of steamboat "Hiram Wood" changed to "Dr. Burleigh."

Approved, August 12, 1876.

CHAP. 262.—An act to change the name of the pleasure yacht "Ella" to that of "Myra" Aug. 12, 1876.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of the pleasure yacht "Ella," registered in the southern district of New York, be, and the same is hereby, changed to "Myra;" and the Secretary of the Treasury is authorized to grant a register in accordance therewith.

Name of yacht "Ella" changed to "Myra."

Approved, August 12, 1876.

CHAP. 263.—An act concerning the employment of Indian Scouts. Aug. 12, 1876.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the Army appropriation act of twenty-fourth July, eighteen hundred and seventy-six, as limits the number of Indian scouts to three hundred is hereby repealed; and sections ten hundred and ninety-four and eleven hundred and twelve of the Revised Statutes, authorizing the employment of one thousand Indian scouts, are hereby continued in force: *Provided*, That a proportionate number of non-commissioned officers may be appointed. And the scouts, when they furnish their own horses and horse-equipments, shall be entitled to receive forty cents per day for their use and risk so long as thus employed.

Original number of Indian scouts restored.

1876, ch. 226.
Ante, 97.
R. S., 1094, p. 202.
R. S., 1112, p. 204.
Allowance for horses.

Approved, August 12, 1876.

CHAP. 264.—An act to continue the provisions of an act entitled "An act to provide temporarily for the expenditures of the Government." Aug. 12, 1876.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an act entitled "An act to continue the provisions of an act entitled 'An act to provide temporarily for the expenditures of the Government,' approved June thirtieth, eighteen hundred and seventy-six," approved July thirty-first eighteen hundred and seventy six, be, and the same are hereby, extended and continued in full force and effect, until and including the fourteenth day of August, eighteen hundred and seventy-six.

Appropriations for support of Government continued.

Ante, pp. 65, 78, 95, 122.
Post, p. 168.

Approved, August 12, 1876.