

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enacted*, That all laws of said District inconsistent with the provisions of this act be, and the same are hereby, repealed; and that this act shall take effect from and after its passage.

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, eighteenth 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. 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.

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

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

SEC. 4. *And be it further enacted,* That no exclusive right or privilege shall ever be granted to any of the steam railroads now concentrating at Saint Louis or East Saint Louis by the said bridge company to use the same, but it shall be equally open to all, under such regulations and at such charges as may be fixed, not to exceed those now charged by the Wiggins Ferry Company.

Bridge to be open equally to all steam railroads, &c. and at what charges.

APPROVED, February 25, 1867.

CHAP. LXXVII. — *An Act granting Lands to the State of Oregon to aid in the Construction of a military Wagon Road from Dalles City, on the Columbia River, to Fort Boise, on the Snake River.*

Feb. 25, 1867.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to the State of Oregon, to aid in the construction of a military wagon road from Dalles City, on the Columbia river, by way of Camp Watson, Canon City, and Mormon or Humboldt Basin, to a point on Snake river opposite Fort Boise, in Idaho Territory, alternate sections of public lands, designated by odd numbers, to the extent of three sections in width on each side of said road: *Provided,* That the lands hereby granted shall be exclusively applied to the construction of said road, and to no other purpose; and shall be disposed of only as the work progresses: *And provided further,* That any and all lands heretofore reserved to the United States, or otherwise appropriated by act of Congress or other competent authority, be, and the same are hereby, reserved from the operation of this act, except so far as it may be necessary to locate the route of said road through the same, in which case the right of way to the width of one hundred feet is granted: *And provided further,* That the grant hereby made shall not embrace any mineral lands of the United States.

Grant of land to Oregon for a military wagon road, &c.
Extent of grant.

Lands granted, how to be applied.

Reservations.

Right of way over lands reserved.
Mineral lands not included in grant.

SEC. 2. *And be it further enacted,* That the lands hereby granted to said State shall be disposed of by the legislature thereof for the purpose aforesaid, and for no other; and the said road shall be and remain a public highway for the use of the government of the United States, free from tolls or other charges upon the transportation of any property, troops, or mails of the United States

Lands granted, how only to be disposed of.
Road to be a public highway, and free to the United States.

SEC. 3. *And be it further enacted,* That said road shall be constructed with such width, gradation, and bridges as to permit of its regular use as a wagon road, and in such other special manner as the State of Oregon may prescribe.

Road, how to be constructed.

SEC. 4. *And be it further enacted,* That the State of Oregon is authorized to locate and use in the construction of said road an additional amount of public lands, not previously reserved to the United States nor otherwise disposed of, and not exceeding ten miles in distance from it, equal to the amount reserved from the operation of this act in the first section of the same, to be selected in alternate odd sections as provided in section first of this act.

Additional public lands may be used in the construction of the road.

SEC. 5. *And be it further enacted,* That lands hereby granted to said State shall be disposed of only in the following manner, that is to say: when the governor of said State shall certify to the Secretary of the Interior that ten continuous miles of said road are completed, then a quantity of the land hereby granted, not to exceed thirty sections, may be sold, and so on from time to time until said road shall be completed; and if said road is not completed within five years, no further sales shall be made, and the lands remaining unsold shall revert to the United States.

Lands granted, how to be disposed of.

To revert to the United States, unless, &c.

SEC. 6. *And be it further enacted,* That the United States surveyor-general for the district of Oregon shall cause said lands so granted to be surveyed at the earliest practicable period after said State shall have enacted the necessary legislation to carry this act into effect.

Lands granted to be surveyed.

APPROVED, February 25, 1867.