

June 12, 1866.

CHAP. CXVII. — *An Act to grant the Right of Way to the "Humboldt Canal Company" through the Public Lands of the United States.*

Right of way through public lands granted to Humboldt Canal Company.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the right of way for a canal through the public lands of the United States lying in Humboldt county, State of Nevada, and the use of the land for tow-paths, cuttings, and embankments, to the extent of fifty feet on each side of the center of the canal, shall be, and is hereby, granted to the Humboldt Canal Company: *Provided,* That in cases where deep excavation or heavy embankment is required, such greater width, not exceeding two hundred feet, may be taken by said company as may be necessary.

Proviso.

Certain public lands may be flowed to create a reservoir.

SEC. 2. *And be it further enacted,* That, in order to create a reservoir for said company sufficient to feed said canal in all seasons, said company shall be, and is hereby, authorized, by a dam across the Humboldt river, at such point at or near the gap in the Fremont range of mountains through which said river passes, to flow so much of the public lands above said dam as may be required for the purpose of said reservoir.

Sites for wastegates, mill-sites, depots, &c.

SEC. 3. *And be it further enacted,* That there shall be, and is hereby, granted to said company the necessary sites along said canal for wastegates, mill-sites, depots, and other uses of said canal, so far as places convenient for the same fall upon the public lands, and also the privilege of discharging the waste waters of said canal over any public lands into the said Humboldt river, at such places as may be suitable for that purpose:

Proviso.

Plan of location, &c., to be sent to general land office.

*Provided,* That the proper officers of said company shall transmit to the commissioner of the general land office a correct plat of the survey and location of said canal, and of the sites needed for mills, depots, wastegates, and other uses of said canal, before the appropriation thereof for said uses shall become operative: *And provided further,* That unless thirty miles of said canal shall be excavated within one year, [and] the whole within three years, from the date hereof, the grants hereby made shall cease and determine: *And provided further,* That if said canal shall at any time after its completion be discontinued or abandoned by said company, the grants hereby made shall cease and determine, and the lands hereby granted shall revert to the United States: *And provided further,*

This grant to cease, &c., unless, &c.

That nothing in this act shall be so construed as to interfere with any grant of the right of way and of public lands heretofore made to any railroad company.

This grant not to interfere with former grants to any railroad-company.

APPROVED, June 12, 1866.

June 14, 1866.

CHAP. CXXII. — *An Act to regulate and secure the Safe-Keeping of public Money intrusted to Disbursing Officers of the United States.*

Disbursing officers to deposit public moneys with the treasurer or some assistant treasurer,

to draw only as required.

Transfers to be by draft.

Deposits where to be made, if there is no treasurer or assistant.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passage of this act it shall be the duty of every disbursing officer of the United States having any public money intrusted to him for disbursement, to deposit the same with the treasurer or some one of the assistant treasurers of the United States, and to draw for the same only as it may be required for payments to be made by him in pursuance of law; and all transfers from the treasury of the United States to a disbursing officer shall be by draft or warrant on the treasury or an assistant treasurer of the United States: *Provided,* That in places where there is no treasurer nor assistant treasurer of the United States, the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depository, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem most safe and effectual to facilitate the payments to public creditors.

SEC. 2. *And be it further enacted,* That if any disbursing officer of the

United States shall deposit any public money intrusted to him in any place or in any manner, except as authorized by law, or shall convert to his own use in any way whatever, or shall loan, with or without interest, or shall for any purpose not prescribed by law withdraw from the treasurer or any assistant treasurer, or any authorized depository, or shall for any purpose not prescribed by law transfer or apply any portion of the public money intrusted to him, every such act shall be deemed and adjudged an embezzlement of the money so deposited, converted, used, loaned, withdrawn, transferred, or applied, and every such act is hereby declared a felony, and upon conviction thereof shall be punished by imprisonment for a term not less than one year nor more than ten years, or by fine not more than the amount embezzled nor less than one thousand dollars, or by both such fine and imprisonment, at the discretion of the court.

Depositing public money, or converting, or loaning, or drawing, or transferring the same except as authorized, to be embezzlement.

Penalty.

SEC. [3.] *And be it further enacted,* That if any banker, broker, or any person, not an authorized depository of public moneys, shall knowingly receive from any disbursing officer, or collector of internal revenue, or other agent of the United States any public money on deposit or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States; or shall use, transfer, convert, appropriate or apply any portion of the public money for any purpose not prescribed by law; or shall counsel, aid, or abet any disbursing officer or collector of internal revenue or other agent of the United States in so doing, every such act shall be deemed and adjudged an embezzlement of the money so deposited, loaned, transferred, used, converted, appropriated, or applied; and any president, cashier, teller, director, or other officer of any bank or banking association who shall violate any of the provisions of this act shall be deemed and adjudged guilty of embezzlement of public money, and punished as provided in section two of this act.

Knowingly receiving from any disbursing officer or collector, any public money on deposit, or on a loan, or using such money for any unauthorized purpose, or aiding in so doing, to be deemed embezzlement.

Punishment of officers of banks for violating this act.

APPROVED, June 14, 1866.

CHAP. CXXIII. — *An Act to provide for the Settlement of Accounts of certain Public Officers.* June 15, 1866.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, all monies raised in the United States for the support of refugees or freedmen, and received by any officer of the United States army, shall be charged against such officer on the books of the Treasury Department and accounted for by him in like manner as if such monies had been drawn from the treasury of the United States, and if any part thereof shall have been expended for the use of refugees or freedmen, the same shall be passed to the credit of the officer, if, upon examination of his accounts, it shall appear to the proper accounting officer of the Treasury Department that the amount expended was properly disbursed for such refugees or freedmen, and on the adjustment of the accounts of the officer, if any balance shall remain in the hands of such officer the same shall be paid into the treasury of the United States, for a fund for the relief of refugees and freedmen. And any officer having such balance in his hands, who, after being duly required, shall refuse or neglect to pay over the same, or who shall, after due notice, fail to settle his account, shall be proceeded against in the same manner as is provided for by existing laws in the case of disbursing officers who neglect or refuse to account for monies drawn from the treasury of the United States.

Moneys received by any United States officer for the refugees or freedmen to be charged to him and accounted for.

Officers having a balance in their hands and neglecting or refusing to pay it over, &c., how treated.

SEC. 2. *And be it further enacted,* That where accounts are rendered for expenditures for refugees or freedmen under the approval and sanction of the proper officers, and which shall have been proper and necessary, but cannot be settled for want of specific appropriations, the

Accounts for expenditures for refugees, &c., to be paid from what fund, and how.