act, or any final confirmation hereafter made, it shall be the duty of the surveyor-general of the United States for California, as soon as practicable after the expiration of ten months from the passage of this act, or such final confirmation hereafter made, to cause the lines of the public surveys to be extended over such land, and he shall set off, in full satisfaction of such grant, and according to the lines of the public surveys, the quantity of land confirmed in such final decree, and as nearly as can be done in accordance with such decree; and all the land not included in such grant as so set off shall be subject to the general land laws of the United States: *Provided*, That nothing in this act shall be construed so as in any manner to interfere with the right of bona fide pre-emption claimants.

over said land, and quantity set off.

1864, ch. 194, §§ 6, 7. Vol. XIII. p. 334.

Land not set off, subject to general land laws of the United States.

Rights of bona fide pre-emption claimants not interfered with.

SEC. 9. *And be it further enacted*, That from the decrees of the district courts of the United States for the district of California, approving or correcting the surveys of private land claims under Spanish or Mexican grants, rendered after the first day of July, one thousand eight hundred and sixty-five, an appeal shall be allowed for the period of one year after the entry of such decrees to the circuit court of the United States for California, as provided by section three of the act of July first, one thousand eight hundred and sixty-four, to expedite the settlement of titles to land in the State of California, and the decision of the circuit court shall be final: *Provided, however*, That from decrees of the district courts, as aforesaid, made after July one, eighteen hundred and sixty-five, and prior to the passage of this act, an appeal may be taken to the United States circuit court for the State of California within one year from the approval of this act.

Appeals from decrees of district courts respecting surveys of certain private land claims after July 1, 1865, to circuit court

Decision of circuit court to be final.

Appeal from certain decrees of district courts.

APPROVED, July 23, 1866.

CHAP. CCXXX. — *An Act to aid in the Construction of Telegraph Lines, and to secure to the Government the Use of the same for postal, military, and other Purposes.*

July 24, 1866.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any telegraph company now organized, or which may hereafter be organized under the laws of any State in this Union, shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States: *Provided*, That such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such military or post roads. And any of said companies shall have the right to take and use from such public lands the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of said lines of telegraph, and may pre-empt and use such portion of the unoccupied public lands subject to pre-emption through which its said lines of telegraph may be located as may be necessary for its stations, not exceeding forty acres for each station; but such stations shall not be within fifteen miles of each other.

Telegraph companies may maintain and operate lines of telegraph over public domain, along post, &c. roads, and across navigable waters of the United States.

Lines to be so constructed as not to obstruct, &c.

Materials for construction, &c may be taken from public lands.

Lands may be pre-empted for stations, not exceeding, &c. and not within, &c.

SEC. 2. *And be it further enacted*, That telegraphic communications between the several departments of the government of the United States and their officers and agents shall, in their transmission over the lines of any of said companies, have priority over all other business, and shall be sent at rates to be annually fixed by the Postmaster-General.

Telegrams for the government to have priority of transmission.

Rates to be annually fixed.

SEC. 3. *And be it further enacted*, That the rights and privileges hereby granted shall not be transferred by any company acting under this act to any other corporation, association, or person: *Provided, however*, That

Rights and privileges not to be transferred.

The United States may purchase for postal, &c. purposes, telegraph lines

Value, how ascertained.

the United States may at any time after the expiration of five years from the date of the passage of this act, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all of said companies at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, two by the company interested, and one by the four so previously selected.

Telegraph companies to file written acceptance of this act, before exercising any powers granted hereby.

SEC. 4. *And be it further enacted*, That before any telegraph company shall exercise any of the powers or privileges conferred by this act, such company shall file their written acceptance with the Postmaster-General of the restrictions and obligations required by this act.

APPROVED, July 24, 1866.

July 25, 1866

CHAP. CCXXXI. — *An Act to define the Number and regulate the Appointment of Officers in the Navy, and for other Purposes.*

See 1867, ch 174. *Post*, p. 515.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the number allowed in each grade of line officers on the active list of the navy shall be one admiral, one vice admiral, ten rear admirals, twenty-five commodores, fifty captains, ninety commanders, one hundred and eighty lieutenant commanders, one hundred and eighty lieutenants, one hundred and sixty masters, one hundred and sixty ensigns, and in other grades the number now allowed by law: *Provided*, That the increase in the grades authorized by this act shall be made by selection from the grade next below of officers who have rendered the most efficient and faithful service during the recent war, and who possess the highest professional qualifications and attainments. And nothing in this act shall preclude the advancement in rank now authorized by law for distinguished conduct in battle, or for extraordinary heroism: *And provided further*, That nothing in this act, nor in the fourteenth section of the act approved July sixteenth, eighteen hundred and sixty-two, entitled "An act to establish and equalize the grade of the line officers of the navy," shall be so construed as to prevent the Secretary of the Navy from promoting to the grade of rear admiral on the retired list those commodores who have commanded squadrons by order of the Secretary of the Navy, or who have performed other highly meritorious service.

Number allowed in each grade of line officers on the active list of the navy.

Increase in grades, how made.

Who may be promoted to grade of rear-admiral on retired list

Appointments of certain line officers on active list from volunteer naval service.

SEC. 2. *And be it further enacted*, That of the number of line officers of the navy on the active list, five lieutenant commanders, twenty lieutenants, fifty masters, and seventy-five ensigns may be appointed from those officers who have served in the volunteer naval service for a period of not less than two years, and who are either now in that service or have been honorably discharged therefrom: *Provided*, That if by reason of these appointments the number of officers in any grade shall exceed the number fixed by law, no more promotions or appointments to that grade shall be made until the number is reduced below the number fixed by law for that grade: *And provided further*, That the authority given by this section shall be exhausted when the number of volunteer officers above named shall have been once appointed.

If by these appointments number in any grade exceeds that allowed by law

Authority exhausted when the number of volunteer officers is once appointed

Board for examination of candidates from the naval volunteer service.

Report and selections.

SEC. 3. *And be it further enacted*, That the Secretary of the Navy shall appoint a board consisting of not less than three naval officers superior in rank to the officers to be thus appointed in the regular navy from the volunteer service, which board, after examination of the claims of all candidates, shall select and report to the Secretary of the Navy the most meritorious in character, ability, professional competency, and honorable service, the number to be appointed and transferred to the several grades mentioned in the second section of this act, provided they shall find that number who are suitably qualified therefor. And any officer who has served in the volunteer naval service for the term of two years or

What volunteer naval offi-