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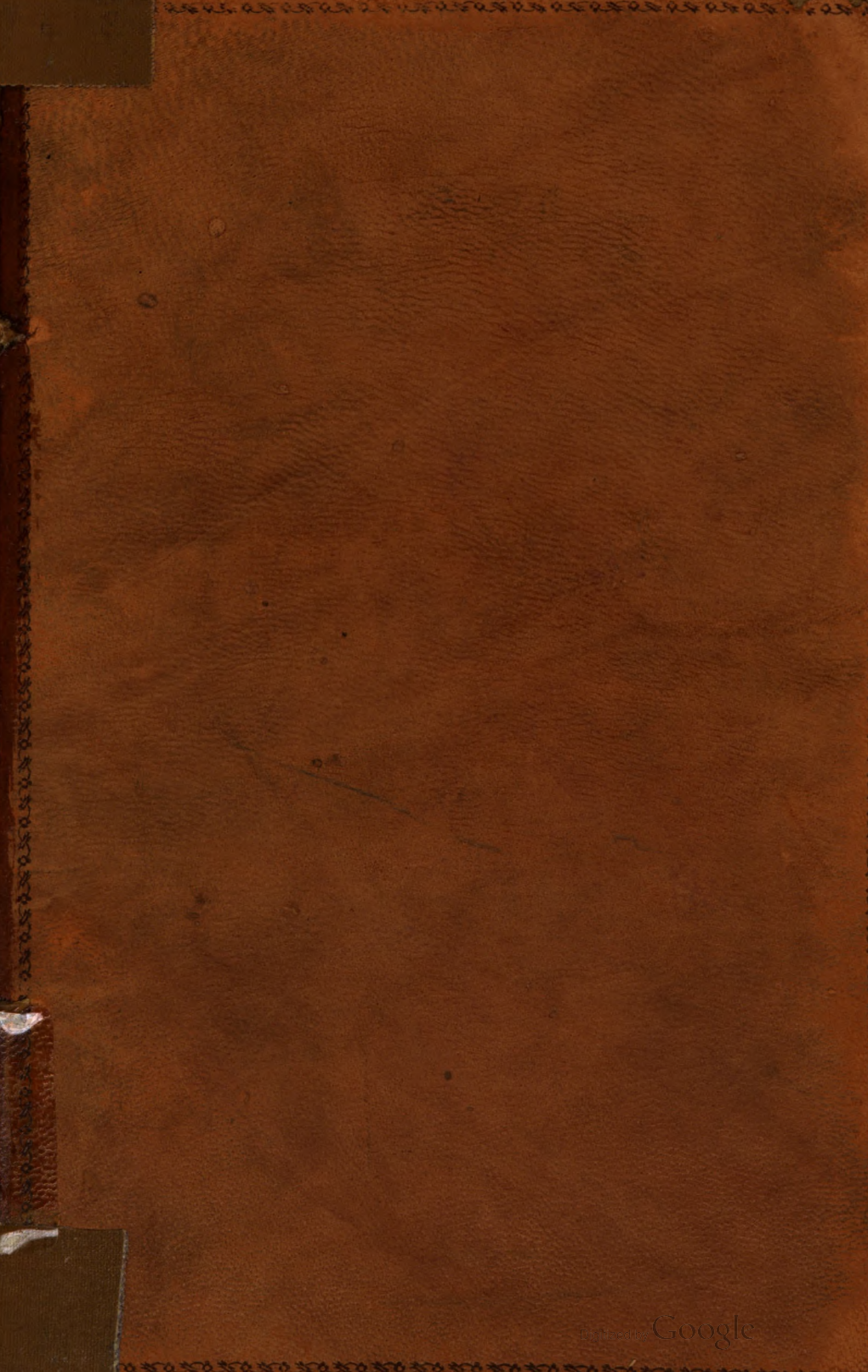
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*U.S. Laws, statutes, etc.*  
**L A W S**

**RELATING TO THE**

**NAVY AND MARINE CORPS,**

**AND THE**

**NAVY DEPARTMENT.**

**JULY 1, 1865.**

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**PUBLISHED BY THE NAVY DEPARTMENT.**

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**WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1865.**



**NOTE.**—Such laws and parts of laws only as are in force at the date of this publication, (July 1, 1865,) are given. They are chronologically arranged, and the volume and page of the Statutes at Large, where they may be found, are indicated. This compilation does not include private acts, nor relief acts, excepting such as are of general application, and embraces only such votes of thanks to the officers and seamen of the navy as have been passed by Congress during the recent rebellion.

# CONSTITUTION\*

OF

## THE UNITED STATES.

Preamble.

We, the People of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

### ARTICLE I.

#### SECTION I.

Congress.

All Legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

#### SECTION II.

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Representatives,  
how chosen.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Qualifications of  
representatives.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of *New Hampshire* shall be entitled

Apportionment  
of representatives  
and direct taxes.

Census every 10  
years.

\* The Constitution of the United States went into effect on the first Wednesday in March, 1789.—*Owings vs. Speed*, 5 *Wheaton*, 420.

to choose three, *Massachusetts* eight, *Rhode Island* and *Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

**Vacancies, how filled.** When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

**Representatives choose officers and bring impeachments.** The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

## SECTION III.

**Senate, how chosen.** The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

**Senators class'd.** Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments, until the next meeting of the Legislature, which shall then fill such vacancies.

**Vacancies, how filled.**

**Qualification of senators.** No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

**Vice President to preside.** The Vice President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

**Officers of Senate.** The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

**Trial of impeachments.** The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

**Judgment on impeachment.** Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the United States; but the party convicted shall nevertheless be liable

**Effect of.** and subject to indictment, trial, judgment and punishment, according to law.

SECTION IV.

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

Elections, when and how held.

The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Congress assemble annually.

SECTION V.

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Elections, how judged.

Quorum.

Abs't members.

Rules.

Expulsion.

Journals to be kept and publi'd.

Yeas and nays.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Adjournment.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION VI.

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to or returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Compensation.

Privileges.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

Members not appointed to office.

Officers of government cannot be members.

## SECTION VII.

- Revenue bills.** All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.
- Bills to be presented to the President.** Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.
- His powers over them.**
- Proceedings on his veto.** Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States: and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.
- Bills to be laws if not returned in ten days.**
- Joint orders or resolutions to be approved by the President.**

## SECTION VIII.

- Powers of Congress: to lay taxes, pay debts, general welfare, duties uniform.** The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;
- Borrow money.** To borrow money on the credit of the United States;
- Commerce.** To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;
- Naturalization.** To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;
- Bankruptcy.**
- Coin money.** To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;
- Weights and measures.**
- Counterfeiting.** To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;	Post roads.
To promote the progress of science and useful arts by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;	Promote arts & science.
To constitute tribunals inferior to the Supreme Court;	Inferior courts
To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;	Piracies, &c.
To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;	Declare war and make captures.
To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;	Raise armies.
To provide and maintain a navy;	Navy.
To make rules for the government and regulation of the land and naval forces;	Rules and articles of war.
To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;	Call out the militia.
To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;	Organize & govern the militia.  Officers, militia.
To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and	Exclusive legislation over seat of government.  And over forts, arsenals, docks, &c.
To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.	To make general laws to carry powers into effect.

SECTION IX.

The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.	Importation of slaves allowed till 1808.
The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.	Habeas corpus.
No bill of attainder or ex post facto law shall be passed.	Attainder and ex post facto laws.
No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.	Direct taxes.
No tax or duty shall be laid on articles exported from any State.	No exportation duty.

- Commerce between the States.** No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.
- Money, how dr'n from treasury.** No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.
- To be publish'd.**
- No nobility.** No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.
- Foreign presents and titles.**

## SECTION X.

- Powers denied to the States.** No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.
- Other powers denied to States.** No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.
- Further denial of powers to States.** No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships-of-war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

## SECTION I.

- President Unit'd States.** The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:
- Elect'rs, how appointed.** Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.
- Electors to meet, and to elect a President and Vice President.** The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be

an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for and the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.\*

Their votes  
count'd in C'ngr'ss.

Representatives  
to choose if electors  
fail.

Votes by States.

Vice President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Election & meet-  
ing of electors.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Qualifications of  
President.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Removal, death,  
&c., of President.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Compensation of  
President.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

\* This clause of the Constitution has been amended. See twelfth article of the Amendments, page 15.



**Oath.**

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

## SECTION II.

**Powers and duties of the President.**

The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

**Appointment of public officers.**

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

**Vacancies in office.**

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

## SECTION III.

**Further powers and duties of President.**

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both Houses, or either of them; and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

## SECTION IV.

**Impeachment.**

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION I.

The Judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Judiciary, and  
tenure of judges.

SECTION II.

The Judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under their authority;—to all cases affecting ambassadors, other public ministers, and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;—between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof, and foreign States, citizens or subjects.\*

Powers of the  
Judiciary.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

Jurisdiction of  
Supreme Court.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Trials by jury.

And where held.

SECTION III.

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Treason.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

No corruption of  
blood.

\*See Amendments, Art. XI.

## ARTICLE IV.

## SECTION I.

Acts of States accredited. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

## SECTION II.

Privileges of citizenship. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Fugitives from crimes to be delivered up. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime.

Fugitive slaves to be delivered up. No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law, or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

## SECTION III.

New States. New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislature of the States concerned, as well as of the Congress.

Territory and other property of United States. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Claims.

## SECTION IV.

Republican form of government. Protection of the States. The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence.

## ARTICLE V.

Amendments of this Constitution. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitu-

tion, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

Debts of former government recognized.

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

What constitutes the supreme law.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation, to support this Constitution: but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Oath of public officers.

No religious test.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Ratification.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

G. WASHINGTON,  
*President, and Deputy from Virginia.*

## AMENDMENTS.\*

## ARTICLE THE FIRST.

Freedom of religion, of speech, of the press, and right of petition. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

## ARTICLE THE SECOND.

Right to keep and bear arms. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

## ARTICLE THE THIRD.

Quarterming of troops. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

## ARTICLE THE FOURTH.

Searches and seizures. Warrants. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## ARTICLE THE FIFTH.

Trial for crimes. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Rights of life, liberty and property.

## ARTICLE THE SIXTH.

Rights of defendant in criminal cases. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State

\* The first ten amendments were proposed by Congress at their first session, in the year 1789; the eleventh was proposed in 1794, and the twelfth in 1803.

and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE THE SEVENTH.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law. Trials in civil cases.

ARTICLE THE EIGHTH.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Bails, fines, and punishments.

ARTICLE THE NINTH.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. Reserved rights.

ARTICLE THE TENTH.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. Reserved powers to States.

ARTICLE THE ELEVENTH.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State. Limitation of judicial power.

ARTICLE THE TWELFTH.

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate; Election of President and Vice President.

the President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose, immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President: a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

# L A W S.

AN ACT to establish an executive department to be denominated the department of the navy.\*

SEC. 1. *Be it enacted, &c.*, That there shall be an executive department under the denomination of the Department of the Navy, the chief officer of which shall be called the Secretary of the Navy, whose duty it shall be to execute such orders as he shall receive from the President of the United States, relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment of the United States.

Secretary of the Navy; his duty.

Approved April 30, 1798. (Statutes at Large, vol. 1, p. 553.)

AN ACT for the establishing and organizing a Marine Corps.†

SEC. 2. \* \* \* And if the marine corps, or any part of it, shall be ordered by the President to do duty on shore, and it shall become necessary to appoint an adjutant, paymaster, quartermaster, sergeant-major, quartermaster-sergeant, and drum and fife major, or any of them, the major or commandant of the corps is hereby authorized to appoint such staff-officer or officers, from the line of subalterns, sergeants and music, respectively, who shall be entitled, during the time they shall do such duty, to the same extra pay and emoluments, which are allowed by law to officers acting in the same capacities in the infantry.

If ordered to do duty on shore, staff officers how to be appointed.

SEC. 3. \* \* \* And the President of the United States may detach and appoint such of the officers of this marine corps, to act on board the frigates, and any of the armed vessels of the United States, respectively, as he shall, from time to time, judge necessary; anything in the act "providing a naval armament" to the contrary hereof notwithstanding.

Officers of marine corps may be detached for duty on any of the armed vessels.

SEC. 6. *And be it further enacted*, That the marine corps, established by this act, shall, at any time, be liable to do duty in the forts and garrisons of the United States, on the sea-coast, or any other duty on shore as the President, at his discretion, shall direct.

What other duty they shall be subject to do.

Approved July 11, 1798. (Statutes at Large, vol. 1, p. 594.)

\* The direction of naval affairs had, by act of August 7, 1789, been under the Secretary of War. See act of July 5, 1862, reorganizing the Navy Department.

† The act of July 25, 1861, for the better organization of the marine corps, establishes the number of officers, non-commissioned officers and privates.



AN ACT to alter and amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments.

\* \* \* \* \*

All contracts to be deposited in the Comptroller's office within ninety days after date.

SEC. 6. That all contracts to be made by virtue of this act, or of any law of the United States, and requiring the advance of money, or to be in any manner connected with the settlement of public accounts, shall be deposited in the office of the Comptroller of the Treasury of the United States within ninety days after their dates, respectively.

Approved July 16, 1798. (Statutes at Large, vol. 1, p. 610.)

AN ACT in addition to "An act for the relief of sick and disabled seamen."

Twenty cents a month to be deducted from pay of the navy.

SEC. 2. \* \* \* The Secretary of the Navy shall be, and he hereby is, authorized and directed to deduct, after the first day of September next, from the pay thereafter to become due, of the officers, seamen, and marines of the navy of the United States, at the rate of twenty cents per month, for every such officer, seamen, and marine, and to pay the same *quarter annually to the Secretary of the Treasury*,\* to be applied to the same purposes as the money collected by virtue of the above-mentioned act is appropriated.

Officers, seamen, and marines entitled to same relief as merchant seamen.

SEC. 3. The officers, seamen, and marines of the navy of the United States shall be entitled to receive the same benefits and advantages as, by the act above mentioned, are provided for the relief of the sick and disabled seamen of the merchant vessels of the United States.

Approved March 2, 1799. (Statutes at Large, vol. 1, p. 729.)

AN ACT concerning public contracts.†

No member of Congress to enter into or have any interest in contracts with the government.

*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,* That, from and after the passage of this act, no member of Congress shall, directly or indirectly, himself, or by any other person whatsoever, in trust for him, or for his use or benefit, or on his account, undertake, execute, hold or enjoy, in the whole or in part, any contract or agreement hereafter to be made or

\* By the act of February 26, 1811, 2d Stat., p. 650, the money so deducted was to be paid to the Secretaries of the Navy, War, and Treasury, who were appointed a board of commissioners to be styled commissioners of the navy hospital fund; and by the act of July 10, 1832, 5th Stat., p. 572, the Secretary of the Navy was constituted trustee of both the navy pension and navy hospital funds, and the powers and duties conferred and imposed on the board of commissioners were transferred to him.—(See notes act of July 10, 1832.)

† See act of July 16, 1869, preventing members of Congress and other public officers from taking considerations for procuring contracts, &c.

entered into with any officer of the United States, in their behalf, or with any person authorized to make contracts on the part of the United States; and if any member of Congress shall, directly or indirectly, himself, or by any other person whatsoever, in trust for him, or for his use or benefit, or on his account, enter into, accept of, agree for, undertake, or execute, any such contract or agreement, in the whole or in part, every member so offending shall, for every such offence, upon conviction thereof, before any court of the United States, or of the territories thereof, having cognizance of such offence, be adjudged guilty of a high misdemeanor, and shall be fined three thousand dollars; and every such contract or agreement as aforesaid shall, moreover, be absolutely void and of no effect: *Provided, nevertheless,* That in all cases where any sum or sums of money shall have been advanced on the part of the United States, in consideration of any such contract or agreement, the same shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum or sums of money advanced as aforesaid.

Every member so offending liable to a fine of \$3,000.

Contract void.

Money advanced to be repaid.

Prosecution on refusing repayment.

SEC. 2. *And be it further enacted,* That nothing herein contained shall extend, or be construed to extend, to any contract or agreement, made or entered into, or accepted, by any incorporated company, where such contract or agreement shall be made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any member of Congress, where the same shall be ready for delivery, and for which payment shall be made at the time of making or entering into the contract or agreement.

Not to extend to agreements or contracts of incorporated companies.

Nor to purchase or sale of bills of exchange by members of Congress, &c.

SEC. 3. *And be it further enacted,* That in every such contract or agreement to be made, or entered into, or accepted as aforesaid, there shall be inserted an express condition that no member of Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.\*

Every contract to express that no Congressman is to share.

SEC. 4. *And be it further enacted,* That if any officer of the United States, on behalf of the United States, shall directly or indirectly make or enter into any contract, bargain, or agreement, in writing or otherwise, other than such as are herein excepted, with any member of Congress, such officer so offending, on conviction thereof before any court having jurisdiction thereof, shall be deemed and taken to be guilty of a high misdemeanor, and be fined in a sum of three thousand dollars.

Penalty in case of officers of the United States entering into contracts with members of Congress.

\* This section is *directory* only, and all omissions to insert such provision does not render the contract void. *Crown vs. U. S., Dev. C. C. 44-5*

Statement of contracts to be laid before Congress annually.

SEC. 5. *And be it further enacted*, That, from and after the passage of this act, it shall be the duty of the Secretary of the Treasury, Secretary of War, Secretary of the Navy, and the Postmaster General, annually to lay before Congress a statement of all the contracts which have been made in their respective departments during the year preceding such report, exhibiting in such statement the name of the contractor, the article or thing contracted for, the place where the article was to be delivered, or the thing performed, the sum to be paid for its performance or delivery, the date and duration of the contract.\*

Approved April 21, 1808. (Vol. 2, p. 484.)

AN ACT further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments.†

Warrants to be charged to the distinct appropriations on which they are founded.

SEC. 1. *Be it enacted, &c.*, That all warrants drawn by the Secretary of the Treasury, or of War, or of the Navy, upon the Treasurer of the United States, shall specify the particular appropriation or appropriations to which the same should be charged; the moneys paid by virtue of such warrants shall, in conformity therewith, be charged to such appropriation or appropriations, in the books kept in the office of the Comptroller of the Treasury, in the case of warrants drawn by the Secretary of the Treasury, and in the books of the *accountants* of the War or Navy Departments, respectively, in the case of warrants drawn by the Secretary of War or by the Secretary of the Navy; and the officers, agents, or other persons who may be receivers of public moneys, shall render distinct accounts of the application of such moneys, according to the appropriation or appropriations under which the same shall have been drawn. \* \* \* \* \*

[Accountants abolished by act of March 3, 1817, and auditors established.]

Accounts to be rendered.

Comptroller of the Treasury authorized to cause the settlement of certain accounts.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Comptroller of the Treasury, in every case where, in his opinion, further delays would be injurious to the United States, and he is hereby authorized, to direct the Auditor of the Treasury, and the *accountants* of the War and Navy Departments, at any time, forthwith to audit and settle any particular account which the said officers may be respectively authorized to audit and settle, and to report such settlement for his revision and final decision. And the said Comptroller shall also lay an annual statement‡ before Congress, during the first week of their session, of the accounts in the Treasury, War, or Navy Departments which may have remained more than three years

To make annual statement of unsettled accounts to Congress.

\* See acts of May 4, 1858, and July 17, 1862, in reference to reporting to Congress contracts made by the departments.

† It is under this act that navy agents are appointed. United States *vs.* Cutter, 2 Curt. C. C., 617; Browne *vs.* United States, 1 *Ibid.*, 18.

‡ Section 14, act of March 3, 1817, page 28, requires the Comptroller to distinguish those accounts, the balances appearing on which, in his opinion, should be removed by Congress.

unsettled, or on which balances appear to have been due more than three years prior to the thirtieth of September then last past, together with a statement of the causes which have prevented the settlement of the accounts or the recovery of the balances due to the United States.

SEC. 3. *And be it further enacted*, That, exclusively of the *purveyor of public supplies*, paymasters of the army, pursers of the navy, *military agents*,\* and other officers already authorized by law, no other permanent agents shall be appointed, either for the purpose of making contracts, or for the purchase of supplies, or for the disbursement in any other manner of moneys for the use of the military establishment, or of the navy of the United States, but such as shall be appointed by the President of the United States, with the advice and consent of the Senate: *Provided*, That the President may, and he is hereby authorized, in the recess of the Senate, to appoint all or any of such agents, which appointments shall be submitted to the Senate, at their next session, for their advice and consent; and the President of the United States is hereby authorized, until otherwise provided by law, to fix the number and compensations of such agents.† \* \* \* \*

What permanent agents authorized.

To be submitted to the Senate.

President may appoint in recess of the Senate.

SEC. 4. *And be it further enacted*, That every such agent as may be appointed by virtue of the next preceding section, and every purser of the navy, shall give bond, with one or more sufficient sureties, in such sums‡ as the President of the United States may direct, for the faithful discharge of the trust reposed in him; and the paymaster of the army, the *military agents*, the *purveyor of public supplies*, the pursers of the navy, the agents appointed by virtue of the preceding section, \* \* \* shall make monthly returns, in such form as may be prescribed by the Treasury Department, of the moneys received and expended during the preceding month, and of the unexpended balance in their hands.

Agents to give bonds.

Make monthly returns of receipts and expenditures.

SEC. 5. *And be it further enacted*, That \* \* \* an annual statement of \* \* \* the expenditure of the moneys appropriated for the contingent expenses of the military establishment, for the contingent expenses of the navy of the United States, and for the discharge of miscellaneous claims not otherwise provided for and paid at the treasury, shall be laid before Congress, at the beginning of each year, by the Secretary of the proper department.

Annual statement of expenditures of contingent fund of the navy to be made to Congress.

Approved March 3, 1809. (Vol. 2, p. 535.)

\* Offices of purveyor of public supplies and military agents abolished by act of March 28, 1812.

† The act of March 3, 1855, fixes the compensation of navy agents.

‡ The act of March 1, 1817, fixes the bonds of pursers at \$25,000.

## AN ACT establishing navy hospitals.

To whom hospital money shall be paid.

SEC. 1. That the money hereafter collected by virtue of the act entitled "An act in addition to 'An act for the relief of sick and disabled seamen,'" shall be paid to the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, for the time being, who are hereby appointed a board of commissioners,\* by the name and style of commissioners of navy hospitals, which, together with the sum of fifty thousand dollars, hereby appropriated out of the unexpended balance of the marine hospital fund, to be paid to the commissioners aforesaid, shall constitute a fund for navy hospitals.

Hospital fund constituted.

Fines imposed to go to navy hospitals.

SEC. 2. That all fines imposed on navy officers, seamen, and marines, shall be paid to the commissioners of navy hospitals.

Sites for hospitals to be procured, &c.

SEC. 3. That the commissioners of navy hospitals be, and they are hereby, authorized and required to procure, at a suitable place or places, proper sites for navy hospitals, and if the necessary buildings are not procured with the site, to cause such to be erected, having due regard to economy, and giving preference to such plans as, with most convenience and least cost, will admit of subsequent additions, as the funds will permit and circumstances require; and the commissioners are required, at one of the establishments, to provide a permanent asylum† for disabled and decrepit navy officers, seamen, and marines.

Naval asylum to be established.

Rules and regulations for, to be prepared.

SEC. 4. That the Secretary of the Navy be authorized and required to prepare the necessary rules and regulations for the government of the institution, and report the same to the next session of Congress.

Disposition of rations and pensions of those admitted into the hospitals.

SEC. 5. That, when any navy officer, seaman, or marine shall be admitted into a navy hospital, the institution shall be allowed one ration per day during his continuance therein, to be deducted from the account of the United States with such officer, seaman, or marine; and in like manner, when any officer, seaman, or marine entitled to a pension shall be admitted into a navy hospital, such pension, during his continuance therein, shall be paid to the commissioners of the navy hospitals, and deducted from the account of such pensioner.

Approved February 26, 1811. (Vol. 2, p. 650.)

## AN ACT concerning the naval establishment.

Appointment of pursers.

SEC. 6. *And be it further enacted,* That the pursers in the navy of the United States shall be appointed by the Presi-

\* By the act of July 10, 1832, 4 Stat., 572, the Secretary of the Navy is constituted trustee of the navy pension and navy hospital funds, and the powers and duties conferred and imposed on the board of commissioners are transferred to him.

† Naval asylum, at Philadelphia.

dent\* of the United States, by and with the advice and consent of the Senate. \* \* \* \* \*

Approved March 30, 1812. (Vol. 2. p. 699.)

AN ACT for the regulation of seamen on board the public and private vessels of the United States.†

\* \* \* \* \*

SEC. 2. *And be it further enacted*, That, from and after the time when this act shall take effect, it shall not be lawful to employ, as aforesaid, [on board public or private vessels of the United States,] any naturalized citizen of the United States, unless such citizen shall produce to the commander of the public vessel, if to be employed on board such vessel, or to a collector of the customs, a certified copy of the act by which he shall have been naturalized, setting forth such naturalization, and the time thereof.

Employment of persons on board public or private vessels of the United States.

[SEC. 3 relates to private vessels.]  
[SEC. 4 to proofs of citizenship.]

SEC. 5. *And be it further enacted*, That, from and after the time when this act shall take effect, no seaman, or other seafaring man, not being a citizen of the United States, shall be admitted or received as a passenger on board of any public or private vessel of the United States, in a foreign port, without permission in writing from the proper officers of the country of which such seaman or seafaring man may be subject or citizen.

Reception of seamen or seafaring men as passengers in a foreign port.

SEC. 6. *And be it further enacted*, That, from and after the time when this act shall take effect, the consuls, or commercial agents, of any nation at peace with the United States, shall be admitted (under such regulations as may be prescribed by the President of the United States) to state their objections to the proper commander or collector as aforesaid, against the employment of any seaman, or seafaring man, on board of any public or private vessel of the United States, on account of his being a native subject or citizen of such nation, and not embraced within the description of persons who may be lawfully employed, according to the provisions of this act; and the said consuls, or commercial agents, shall also be admitted, under the said regulations, to be present at the time when the proofs of citizenship, of the persons against whom such objections may have been made, shall be investigated by such commander or collector.

Rights of consuls and commercial agents with respect to the employment of seamen.

\* The commander of a squadron on a foreign station has power to appoint an acting purser, in the absence of any purser of the navy duly appointed by the President—6 Opin., 357; and the act of July 17, 1861, gives the senior officer present at sea or on a foreign station power to make an acting appointment to fill vacancy caused by death or otherwise. Title changed to paymasters by act of June 22, 1860.

† The first section of this act was repealed by act of June 23, 1864.

Penalty for unlawfully employing or receiving persons on board public vessels.

**SEC. 7.** *And be it further enacted,* That if any commander of a public vessel of the United States shall knowingly employ, or permit to be employed, or shall admit or receive, or permit to be admitted or received, on board his vessel, any person whose employment or admission is prohibited by the provisions of this act, he shall, on conviction thereof, forfeit and pay the sum of one thousand dollars for each person thus unlawfully employed or admitted on board such vessel.

[SEC. 8 relates to private vessels.]

Circumstances under which American seamen or subjects of a foreign country may be received on board in a foreign port.

**SEC. 9.** *And be it further enacted,* That nothing in this act contained shall be construed to prohibit any commander, or master, of a public or private vessel of the United States, whilst in a foreign port or place, from receiving an American seaman in conformity to law, or supplying any deficiency of seamen on board such vessel, by employing American seamen, or subjects of such foreign country, the employment of whom shall not be prohibited by the laws thereof.

What foreign seamen may be employed.

**SEC. 10.** *And be it further enacted.* That the provisions of this act shall have no effect or operation with respect to the employment, as seamen, of the subjects or citizens of any foreign nation which shall not, by treaty or special convention with the government of the United States, have prohibited, on board of her public and private vessels, the employment of native citizens of the United States, who have not become a citizen or subject of such nation.

Nothing in this act to prevent any arrangement between the United States and any foreign nation.

**SEC. 11.** *And be it further enacted,* That nothing in this act contained shall be so construed as to prevent any arrangement between the United States and any foreign nation, which may take place, under any treaty or convention, made and ratified in the manner prescribed by the Constitution of the United States.

[SECTIONS 12 and 13 relate to qualifications of citizenship, &c.]

Commencement of suit for forfeiture.

**SEC. 14.** *And be it further enacted,* That no suit shall be brought for any forfeiture or penalty incurred under the provisions of this act, unless the suit be commenced within three years from the time of the forfeiture.

Approved March 3, 1813. (Vol. 2, p. 809.)

AN ACT granting pensions to the officers and seamen serving on board the revenue cutters in certain cases.

Officers and seamen of revenue cutters wounded or disabled while co-operating with the navy to be placed on navy pension list.

*Be it enacted, &c.,* That the officers and seamen of the revenue cutters of the United States who have been, or may be, wounded or disabled in the discharge of their duty whilst co-operating with the navy, by order of the President of the United States, shall be entitled to be placed on the navy pension list, at the same rate of pension, and under the same regulations and restrictions, as are now provided by law for the officers and seamen of the navy.

Approved April 18, 1814. (Vol. 3, p. 127.)

AN ACT to provide for the collection and preservation of such flags, standards, and colors, as shall have been, or may hereafter be, taken by the land and naval forces of the United States from their enemies.

SEC. 1. *Be it enacted, &c.*, That the Secretaries of the War and Navy Departments be, and they are hereby, directed to cause to be collected and transmitted to them, at the seat of the government of the United States, all such flags, standards, and colors, as shall have been, or may hereafter be, taken, by the army and navy of the United States, from their enemies.

Secretaries of War and Navy to collect all flags, &c.

SEC. 2. *And be it further enacted*, That all the flags, standards, and colors, of the description aforesaid, which are now in the possession of the departments aforesaid, and such as may be hereafter transmitted to them, be, with all convenient despatch, delivered to the President of the United States, for the purpose of being, under his direction, preserved and displayed, in such public place as he shall deem proper. \* \*

Flags, &c., to be displayed in some public place, as the President shall direct.

Approved April 18, 1814. (Vol. 3, p. 133.)

AN ACT concerning the pay of officers, seamen, and marines in the navy of the United States.

\* \* \* and the pay and bounty upon enlistment of the seamen, ordinary seamen, and marines,\* shall be fixed by the President of the United States: *Provided*, That the whole sum to be given, for the whole pay aforesaid, and for the pay of officers, and that the amount of bounties upon enlistment of seamen and marines, shall not exceed, for any year, the amount which may, in such year, be appropriated for those purposes respectively.

Pay and bounty to seamen. The whole sum not to exceed am't appropriated in any year.

Approved April 18, 1814. (Vol. 3, p. 136.)

AN ACT directing the staff officers of the army to comply with the requisitions of naval and marine officers, in certain cases.

SEC. 1. *Be it enacted, &c.*, That it shall be the duty of the several officers of the staff of the army of the United States to provide the officers, seamen, and marines, of the navy of the United States, when acting, or proceeding to act, on shore, in co-operation with the land troops, upon the requisition of the commanding naval or marine officer of any such detachment of seamen or marines, under orders to act as aforesaid, with rations, also the officers and seamen with camp equipage, according to the relative rank and station of each, and the military regulations in like cases, together with the necessary transportation, as well for the men as for their baggage, pro-

Officers, seamen, and marines co-operating with the land forces to be provided with rations, camp equipage, &c.

\* By law, marines are paid as infantry in the army.



Contract price of the rations to be reimbursed.

Quartermasters of the army to furnish commanding naval officers, &c., with horses, forage &c.

visions, and cannon: *Provided, nevertheless,* That the contract price of the rations which may be furnished shall be reimbursed out of the appropriations for the support of the navy.

SEC. 2. *And be it further enacted,* That the respective quartermasters of the army shall, upon the requisition of the commanding naval officer of any such detachment of seamen or marines, furnish the said officer, and his necessary aids, with horses, accoutrements, and forage, during the time they may be employed in co-operating with the land troops as aforesaid.

Approved December 15, 1814. (Vol. 3, p. 151.)

AN ACT making reservation of certain public lands to supply timber for naval purposes.

Lands producing live oak and red cedar timbers to be explored and tracts reserved.

SEC. 1. *Be it enacted, &c.,* That the Secretary of the Navy be authorized, and it shall be his duty, under the direction of the President of the United States, to cause such vacant and unappropriated lands of the United States as produce the live oak and red cedar timbers to be explored, and selection to be made of such tracts or portions thereof, where the principal growth is of either of the said timbers, as, in his judgment, may be necessary to furnish for the navy a sufficient supply of the said timbers. The said Secretary shall have power to employ such agent, or agents, and surveyor,\* as he may deem necessary for the aforesaid purpose, who shall report to him the tracts by them selected, with the boundaries ascertained, and accurately designated, by actual survey or water-courses, which report shall be laid before the President, which he may approve or reject, in whole or in part; and the tracts of lands thus selected, with the approbation of the President, shall be reserved, unless otherwise directed by law, from any future sale of the public lands, and be appropriated to the sole purpose of supplying timber for the navy of the United States: *Provided,* That nothing in this section contained shall be construed to prejudice the rights of any person or persons claiming lands which may be reserved as aforesaid. \* \*

Approved March 1, 1817. (Vol. 3, p. 347.)

AN ACT supplementary to an act entitled "An act concerning the naval establishment."

Pursers to enter into bond in the penalty of \$25,000, with two or more sureties.

SEC. 1. *Be it enacted, &c.,* That every purser now in service, or who may hereafter be appointed, shall, instead of the bond required by the act to which this is a supplement,

\* An act of May 15, 1820, vol. 3, 607, repeals the power given here to the Secretary of the Navy to appoint an agent, or agents, and surveyor, and directs that the duties and services required by this section be performed by such surveyors of public lands as may be designated by the President. See acts of March 2, 1831, and March 3, 1859, as a punishment of persons cutting and destroying timber on reserved lands.

enter into bond, with two or more sufficient sureties, in the penalty of twenty-five thousand dollars, conditioned for the faithful discharge of all his duties as purser in the navy of the United States,\* *which said sureties shall be approved by the judge, or attorney, of the United States for the district in which such purser shall reside.*

SEC. 2. *And be it further enacted,* That, from and after the first day of May next, no person shall act in the character of purser who shall not enter into bond as aforesaid, excepting pursers on distant service who shall not remain in service longer than two months after their return to the United States, unless they shall comply with the provisions of the first section of this act.

No person to act as purser without bonding, excepting those on distant stations, &c.

Approved March 1, 1817. (Vol. 3, p. 350.)

AN ACT to provide for the prompt settlement of public accounts.

SEC. 2. *And be it further enacted,* That, from and after the said third day of March next, all claims and demands whatever by the United States, or against them, and all accounts whatever, in which the United States are concerned, either as debtors or as creditors, shall be settled and adjusted in the Treasury Department.

All claims and accounts in which the United States are concerned to be settled in the Treasury Department.

SEC. 4. \* \* \* and it shall be the duty of the Fourth Auditor to receive all accounts accruing in the Navy Department, or relative thereto; and the Second, Third, and Fourth Auditors, aforesaid, shall examine the accounts respectively, and certify the balance, and transmit the accounts, with the vouchers and certificate, to the Second Comptroller, for his decision thereon. \* \* \*

Duty of the Auditors.

SEC. 5. *And be it further enacted,* That it shall be the duty of the Auditors, charged with the examination of the accounts of the War and Navy Departments, to keep all accounts of the receipts and expenditures of the public money in regard to those departments, and of all debts due to the United States on moneys advanced relative to those departments; to receive from the Second Comptroller the accounts which shall have been finally adjusted, and to preserve such accounts, with their vouchers and certificates, and to record all warrants drawn by the Secretaries of those departments, the examination of the accounts of which has been assigned to them by the preceding section. And it shall be the duty of the said Auditors to make such reports on the business assigned to them as the Secretaries of the War and Navy De-

Duties of the Auditors charg'd with the examination of the accounts of the War and Navy Departments.

\* An act of July 14, 1862, vol. 12, 575, repeals the words in italics, and says that such bonds shall be deemed and taken to be satisfactory and sufficient whenever the Secretary of the Navy shall be satisfied, on such evidence as he shall consider proper, that the bonds ought to be approved and accepted. The present practice is to require a certificate, as to the ability of the sureties, from some United States judge or attorney.

partments may deem necessary and require for the services of those departments.

Duty of the Second Comptroller.

SEC. 9. *And be it further enacted,* That it shall be the duty of the Second Comptroller to examine all accounts settled by the Second, Third, and Fourth Auditors, and certify the balances arising thereon to the Secretary of the department in which the expenditure has been incurred; to countersign all warrants drawn by the Secretaries of the War and Navy Departments which shall be warranted by law; to report to the said Secretaries the official forms to be issued in the different offices for disbursing the public money in those departments, and the manner and form of keeping and stating the accounts of the persons employed therein; and it shall also be his duty to superintend the preservation of the public accounts, subject to his revision.

Certificates of the Auditors charged with the accounts of the War and Navy Departments to be legal evidence in suits.

SEC. 11. *And be it further enacted,* That the provision contained in the second section of the act passed the third March, one thousand seven hundred and ninety-seven, entitled "An act to provide more effectually for the settlement of accounts between the United States and receivers of public money," which directs that, in every case where suit has been, or shall be instituted, a transcript from the books and proceedings of the treasury, certified by the Register, shall be admitted as evidence, be extended, in regard to the accounts of the War and Navy Departments, to the Auditors respectively charged with the examination of those accounts, and that certificates, signed by them, shall be of the same effect as that directed to be signed by the Register.

Auditors empowered to administer oaths, &c.

SEC. 12. *And be it further enacted,* That the Auditors of the public accounts shall be empowered to administer oaths, or affirmations, to witnesses, in any case in which they may deem it necessary for the due examination of the accounts with which they shall be charged.

Duty of Comptroller in regard to balances.

SEC. 14. *And be it further enacted,* That, in the annual statement of all accounts, on which balances appear to have been due more than three years, which the Comptroller is now required by law to make,\* he shall hereafter distinguish those accounts, the balances appearing on which shall, in his opinion, be owing to difficulties of form, which he may think it equitable shall be removed by an act of Congress; and where the debtors, by whom such balances shall have been due more than three years, shall be insolvent, and have been reported to Congress for three successive years as insolvent, the Comptroller shall not be required, in such case, to continue to include such balances in the statement above mentioned.

Approved March 3, 1817. (Vol. 3, p. 366.)

\* Required by sec. 2, act of March 3, 1809, page 20.

AN ACT to establish the flag of the United States.

SEC. 1. *Be it enacted, &c.,* That, from and after the fourth day of July next, the flag of the United States be thirteen horizontal stripes, alternate red and white: that the Union be twenty stars, white, in a blue field.

Establishment of the flag of the United States.

SEC. 2. *And be it further enacted,* That, on the admission of every new State into the Union, one star be added to the union of the flag; and that such addition shall take effect on the 4th day of July then next succeeding such admission.

Approved April 4, 1818. (Vol. 3, p. 415.)

AN ACT in addition to the "Act for the punishment of certain crimes against the United States," and to repeal the acts therein mentioned.

*Be it enacted, &c.,* That if any citizen of the United States shall, within the territory or jurisdiction thereof, accept and exercise a commission to serve a foreign prince, state, colony, district or people, in war, by land or by sea, against any prince, state, colony, district or people, with whom the United States are at peace, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than two thousand dollars, and shall be imprisoned not exceeding three years.

Punishment for accepting commission from a foreign belligerent.

SEC. 2. *And be it further enacted,* That if any person shall, within the territory or jurisdiction of the United States, enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district or people, as a soldier, or as a marine or seaman, on board of any vessel-of-war, letter of marque, or privateer, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned not exceeding three years: *Provided,* That this act shall not be construed to extend to any subject or citizen of any foreign prince, state, colony, district or people, who shall transiently be within the United States, and shall, on board of any vessel-of-war, letter of marque, or privateer, which, at the time of its arrival within the United States, was fitted and equipped as such, enlist or enter himself, or hire or retain another subject or citizen of the same foreign prince, state, colony, district or people, who is transiently within the United States, to enlist or enter himself to serve such foreign prince, state, colony, district or people, on board such vessel-of-war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district or people.

For enlisting or procuring another to enlist in the service of a foreign power.

Exceptions.

For fitting out vessels for a foreign belligerent.

SEC. 3. *And be it further enacted,* That if any person shall, within the limits of the United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of any foreign prince or state, or of any colony, district or people, to cruise or commit hostilities against the subjects, citizens or property of any foreign prince or state, or of any colony, district or people, with whom the United States are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the United States for any ship or vessel, to the intent that she may be employed as aforesaid, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars, and imprisoned not more than three years; and every such ship or vessel, with her tackle, apparel and furniture, together with all materials, arms, ammunition and stores, which may have been procured for the building and equipment thereof, shall be forfeited; one-half to the use of the informer, and the other half to the use of the United States.

For fitting out privateers to cruise against the commerce of the United States.

SEC. 4. *And be it further enacted,* That if any citizen or citizens of the United States shall, without the limits thereof, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the furnishing, fitting out, or arming, any private ship or vessel of war, or privateer, with intent that such ship or vessel shall be employed to cruise, or commit hostilities, upon the citizens of the United States, or their property,\* or shall take the command of, or enter on board of any such ship or vessel, for the intent aforesaid, or shall purchase any interest in any such ship or vessel, with a view to share in the profits thereof, such person, so offending, shall be deemed guilty of a high misdemeanor, and fined not more than ten thousand dollars, and imprisoned not more than ten years: and the trial for such offence, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought.

For increasing the force of a foreign belligerent vessel.

SEC. 5. *And be it further enacted,* That if any person shall, within the territory or jurisdiction of the United States, increase or augment, or procure to be increased or augmented, or shall knowingly be concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at

\* See act of August 6, 1861, in reference to recruiting soldiers or sailors in any State or Territory of the United States to engage in armed hostility against the United States, or opening recruiting stations for the enlistment of such persons.

war with any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger calibre, or by the addition thereto of any equipment solely applicable to war, every person so offending shall be deemed guilty of a high misdemeanor, shall be fined not more than one thousand dollars, and be imprisoned not more than one year.

SEC. 6. *And be it further enacted*, That if any person shall, within the territory or jurisdiction of the United States, begin or set on foot, or provide or prepare the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district or people, with whom the United States are [at] peace, every person, so offending, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years.

For setting on foot an expedition against a foreign friendly power.

SEC. 7. *And be it further enacted*, That the district courts shall take cognizance of complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coast or shores thereof.

District courts to take cognizance of complaints.

SEC. 8. *And be it further enacted*, That in every case in which a vessel shall be fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel, shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot, contrary to the provisions and prohibitions of this act; and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States as before defined, and in every case in which any process issuing out of any court of the United States shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district or people, in every such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such ship or vessel, with her prize or prizes, if any, in order to the execution of the prohibitions and penalties of this act, and to the restoring the prize or prizes in the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States against the territories or dominions of any foreign prince or state, or of any colony, district or people, with whom the United States are at peace.

Land and naval forces may be employed to suppress such expeditions.

Land or naval forces may be used to compel the departure of a foreign ship or vessel from the United States.

SEC. 9. *And be it further enacted,* That it shall be lawful for the President of the United States, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign ship or vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, they ought not to remain within the United States.

Owners, &c., of private armed vessels may be required to give security not to commit hostile acts against friendly subjects, &c.

SEC. 10. *And be it further enacted,* That the owners or consignees of every armed ship or vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof, shall enter into bond to the United States, with sufficient sureties, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament, that the said ship or vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district or people, with whom the United States are at peace.

When collectors may detain vessels manifestly built for warlike purposes.

SEC. 11. *And be it further enacted,* That the collectors of the customs be, and they are hereby, respectively, authorized and required to detain any vessel manifestly built for warlike purposes, and about to depart the United States, of which the cargo shall principally consist of arms and munitions of war, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property, of any foreign prince or state, or of any colony, district or people, with whom the United States are at peace, until the decision of the President be had thereon, or until the owner or owners shall give such bond and security as is required of the owners of armed ships by the preceding section of this act.

Punishment for treason or piracy not to be affected.

SEC. 13. *And be it further enacted,* That nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason, or any piracy defined by the laws of the United States.

Approved April 20, 1818. (Vol. 3, p. 447.)

AN ACT to protect the commerce of the United States and punish the crime of piracy.\*

Armed vessels of the United States to be employed in protecting merch't vessels from piratical aggressions.

*Be it enacted, &c.,* That the President of the United States be, and hereby is, authorized and requested to employ so many of the public armed vessels as, in his judgment, the service may require, with suitable instructions to the com-

\* See act of May 15, 1820, continuing in force this act and making further provision for punishing the crime of piracy; also act of March 3, 1847, to provide for the punishment of piracy in certain cases; also supplementary act of August 5, 1861. This act of March 3, 1819, which was limited, was made perpetual by act of January 30, 1823. (3 Stat., 721.)

manders thereof, in protecting the merchant vessels of the United States, and their crews, from piratical aggressions and depredations.

SEC. 2. *And be it further enacted*, That the President of the United States be, and hereby is, authorized to instruct the commanders of the public armed vessels of the United States to subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat, the crew whereof shall be armed and which shall have attempted or committed any piratical aggression, search restraint, depredation, or seizure, upon any vessel of the United States, or of the citizens thereof, or upon any other vessel; and also to retake any vessel of the United States, or its citizens, which may have been unlawfully captured upon the high seas.

Commanders of such armed vessels to be instructed to seize and send into port vessels engaged in piracy.

SEC. 3. *And be it further enacted*, That the commander and crew of any merchant vessel of the United States, owned wholly, or in part, by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any other vessel owned as aforesaid, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States; and may subdue and capture the same; and may also retake any vessel, owned as aforesaid, which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

Merchant vessels of the United States may oppose and defend against aggression, &c., of armed vessels of nations not in amity with the United States.

SEC. 4. *And be it further enacted*, That whenever any vessel or boat, from which any piratical aggression, search, restraint, depredation, or seizure, shall have been first attempted or made, shall be captured and brought into any port of the United States, the same shall and may be adjudged and condemned to their use, and that of the captors, after due process and trial, in any court having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof accordingly, and at their discretion.

Proceedings against captured piratical vessels when brought in.

\* \* \* \* \*  
Approved March 3, 1819. (Vol. 3, p. 510.)

AN ACT in addition to the acts prohibiting the slave trade.

*Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized, whenever he shall deem it expedient, to cause any of the armed vessels of the United States to be employed to cruise on any of the coasts of the United States, or territories thereof, or of the coast of Africa, or elsewhere, where he may judge attempts may be made to carry on the slave trade by citizens or residents of the United

President authorized to cause any of the armed vessels of the United States to cruise where attempts may be made to carry on the slave trade.



States, in contravention of the acts of Congress prohibiting the same, and to instruct and direct the commanders of all armed vessels of the United States, to seize, take, and bring into any port of the United States all ships or vessels of the United States, wheresoever found which may have taken on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported, any negro, mulatto, or person of color, in violation of any of the provisions of the act, entitled "An act in addition to an act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, and to repeal certain parts of the same," or of any other act or acts prohibiting the traffic in slaves, to be proceeded against according to law; and the proceeds of all ships and vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which shall be so seized, prosecuted, and condemned, shall be divided equally between the United States and the officers and men who shall seize, take, or bring the same into port for condemnation,\* whether such seizure be made by an armed vessel of the United States, or revenue cutter thereof; and the same shall be distributed in like manner as is provided by law for the distribution of prizes taken from an enemy: *Provided*, That the officers and men, to be entitled to one-half of the proceeds as aforesaid, shall save keep every negro, mulatto, or person of color, found on board of any ship or vessel so seized, taken, or brought into port, for condemnation, and shall deliver every such negro, mulatto, or person of color, to the marshal of the district into which they are brought, if into a port of the United States, or, if elsewhere, to such person or persons as shall be lawfully appointed by the President of the United States, in the manner hereinafter directed, transmitting to the President of the United States, as soon as may be after such delivery, a descriptive list of such negroes, mulattoes, or persons of color, that he may give directions for the disposal of them: *And provided, further*, That the commanders of such commissioned vessels do cause to be apprehended, and taken into custody, every person found on board of such vessel, so seized and taken, being of the officers or crew thereof, and him or them convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against, in due course of law, in some of the districts thereof.†

To instruct the comm'nders to seize and send into port vessels engaged in this trade.

Ships to be proceeded against according to law.

Division of proceeds from condemned vessels.

To be distributed in like manner as prize money.

Negroes, mulattoes, or persons of color to be safely kept and delivered to the marshal or other person authorized to receive them.

Descriptive list to be furnished.

Officers and crew of the vessels seized to be taken into custody and delivered to the civil authorities.

\* The captors' moiety of the proceeds of a vessel condemned for being engaged in the slave trade, under the act of March 3, 1819, is not to be paid into the treasury under the act of March 3, 1849, but is to be distributed by the court. (*The Glamorgan, Sprague*, 273.)

† The act of June 16, 1860, authorizes the issuing of instructions to commanders of armed vessels, to proceed directly to the coast of Africa, and deliver to the agents of the United States, negroes found on board vessels seized in the prosecution of the slave trade, afterwards bringing captured vessel, officers and crew to the United States, for trial and adjudication.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized to make such regulations and arrangements as he may deem expedient, for the safe-keeping, support, and removal beyond the limits of the United States\* of all such negroes, mulattoes, or persons of color, as may be so delivered and brought within their jurisdiction; and to appoint a proper person or persons, residing upon the coast of Africa, as agent or agents for receiving the negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave trade, by commanders of the United States armed vessels.

Regulations and arrangements for safe-keeping, and for the removal of the negroes, &c., beyond the limits of the U. States to be made.

Agents to be appointed on the coast of Africa to receive them.

SEC. 3. *And be it further enacted,* That a bounty of twenty-five dollars be paid to the officers and crews of the commissioned vessels of the United States, or revenue cutters, for each and every negro, mulatto, or person of color, who shall have been, as hereinbefore provided, delivered to the marshal or agent duly appointed to receive them; and the Secretary of the Treasury is hereby authorized and required to pay, or cause to be paid, to such officers and crews, or their agent, the aforesaid bounty, for each person delivered aforesaid.

Bounty to the officers and crew of capturing vessel.

To be paid by the Secretary of the Treasury.

[SEC. 4 relates to proceedings in cases where negroes have been imported into the United States.]

SEC. 5. *And be it further enacted,* That it shall be the duty of the commander of any armed vessel of the United States, whenever he shall make any capture under the provisions of this act, to bring the vessel and her cargo, for adjudication, in some of the ports of the State or territory to which such vessel, so captured, shall belong, if he can ascertain the same; if not, then to be sent into any convenient port of the United States.

Port into which the vessel and cargo shall be brought for adjudication.

\* \* \* \* \*

Approved March 3, 1819. (Vol. 3, p. 532.)

RESOLUTION declaring the manner in which the vessels composing the navy of the United States shall be named.

*Resolved, &c.,* That all the ships of the navy of the United States, now building, or hereafter to be built, shall be named by the Secretary of the Navy, under the direction of the President of the United States, according to the following rule, to wit: those of the first class shall be called after the States of this Union; those of the second class after the rivers; and those of the third class after the principal cities and towns; taking care that no two vessels in the navy shall bear the same name.

How ships of the navy are to be named.

Approved March 3, 1819. (Vol. 3, p. 538.)

\* By the act of June 16, 1866, *post*, the President is authorized to contract for the reception in Africa of negroes delivered from on board vessels engaged in the slave trade, and to provide them with clothing, shelter, &c.

† The 5th section of the naval appropriation act, approved June 12, 1858, declares the manner in which *steam* ships of the navy shall be named.

AN ACT in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments.

\* \* \* \* \*

Annual statement of appropriations, expenditures, and balances to be laid before Congress.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretaries of the War and Navy Departments to lay before Congress, on the first day of February of each year, a statement of the appropriations of the preceding year for their departments, respectively, showing the amount appropriated under each specific head of appropriation; the amount expended under each, and the balance remaining unexpended, either in the treasury or in the Treasurer's hands, as agent of the War or Navy Departments, on the thirty-first December preceding;\* and it shall be further the duty of the Secretaries aforesaid to estimate the probable demands which may remain on each appropriation, and the balance shall be deducted from the estimates of their departments, respectively, for the service of the current year; and accounts shall also be annually rendered in manner and form as aforesaid, exhibiting the sums expended out of the estimates aforesaid, and the balance, if any, which may remain on hand, together with such information, connected with the same, as shall be deemed proper.

\* \* \* \* \*

Contracts forbidden where there is no law or appropriation for them, except, &c.

SEC. 6. *And be it further enacted*, That no contract shall hereafter be made by the Secretary of State, or of the Treasury, or of the Department of War, or of the Navy, except under a law authorizing the same, or under an appropriation adequate to its fulfilment; and excepting also contracts for the subsistence and clothing of the army or navy, and contracts by the Quartermaster's department, which may be made by the Secretaries of those departments. †

No land to be purchased for the United States without authority of law.

SEC. 7. *And be it further enacted*, That no land shall be purchased on account of the United States, except under a law authorizing such purchase.

Statement of appropriations to accompany annual estimates, &c.

SEC. 8. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to annex to the annual estimates ‡ of the appropriations required for the public service, a statement of the appropriations for the service of the year which may have been made by former acts; and, also, a statement of the sums remaining in the treasury, or in the hands of the Treasurer, as agent of the War and Navy

\* By act of August 26, 1842, (5 Stat., 536;) the fiscal year, in all matters of accounts, &c., is to commence on the 1st day of July in each year; therefore the statements required by this act to be made to Congress early in the session show the expenditures, balances, &c., to and on the 30th June next preceding.

† The act of May 4, 1858, requires the head of a department making a contract under this section, if Congress be in session at the time, promptly to report to both houses thereof the reasons for making such contract, &c., &c.; and if Congress be not in session, to so report at its commencement; and forbids such contracts being made hereafter, except in cases of pressing exigency.

‡ As to the manner in which estimates shall be submitted, see acts of August 26, 1842, sec. 14; June 17, 1844, sec. 2; March 3, 1855, sec. 8, and June 2, 1858, sec. 2.

Departments, from the appropriations of former years, estimating the amount of those sums which will not be required to defray expenses incurred in a previous year, and showing the whole amount which will be subject to the disposition of the Executive Government in the year to which the estimates apply.

Approved May 1, 1820. (Vol. 3, p. 567.)

AN ACT providing for the better organization of the Treasury Department.

SEC. 1. *Be it enacted, &c.*, That it shall be the duty of such officer of the Treasury Department as the President of the United States shall from time to time designate for that purpose, as the agent of the treasury, to direct and superintend all orders, suits, or proceedings, in law or equity, for the recovery of money, chattels, lands, tenements, hereditaments, in the name and for the use of the United States. \*

Designation of an officer to direct and superintend suits.

[SEC. 2 relates to collectors and other officers who receive "the public money before it is paid into the treasury."]

SEC. 3. *And be it further enacted*, That, from and after the thirtieth day of September next, if any officer employed, or who has heretofore been employed, in the civil, military, or naval departments of the government, to disburse the public money appropriated for the service of those departments, respectively, shall fail to render his accounts, or to pay over, in the manner, and in the times, required by law, or the regulations of the department to which he is accountable, any sum of money remaining in the hands of such officer, it shall be the duty of the First or Second Comptroller of the Treasury, as the case may be, who shall be charged with the revision of the accounts of such officer, to cause to be stated and certified the account of such delinquent officer to the agent of the treasury, who is hereby authorized and required immediately to proceed against such delinquent officer in the manner directed in the preceding section, all the provisions of which are hereby declared to be applicable to every officer of the government charged with the disbursement of the public money, and to their sureties, in the same manner, and to the same extent, as if they had been described and enumerated in the said section: *Provided, nevertheless*, That the said agent of the treasury, with the approbation of the Secretary of the Treasury, in cases arising under this or the preceding section, may postpone, for a reasonable time, the institution of the proceedings required by this act, where, in his opinion, the public interest will sustain no injury by such postponement.

Proceed's ag'nt delinquent disbursing officers.

Secretary of the Treasury may postpone proceedings, &c.

\* Act of May 29, 1830, vests this duty in the Solicitor of the Treasury.

Persons ag-  
griev'd may prefer  
a bill of complaint  
to a district judge,  
&c.

SEC. 4. *And be it further enacted,* That if any person should consider himself aggrieved by any warrant issued under this act, he may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains; and thereupon the judge aforesaid may, if, in his opinion, the case requires it, grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires; but no injunction shall issue till the party applying for the same shall give bond, and sufficient security, conditioned for the performance of such judgment as shall be awarded against the complaint, in such amount as the judge granting the injunction shall prescribe; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of such warrant. And the same proceedings shall be had on such injunction as in other cases, except that no answer shall be necessary on the part of the United States; and if, upon dissolving the injunction, it shall appear to the satisfaction of the judge who shall decide upon the same, that the application for the injunction was merely for delay, in addition to the lawful interest which shall be assessed on all sums which may be found due against the complainant, the said judge is hereby authorized to add such damages as that, with the lawful interest, it shall not exceed the rate of ten per centum per annum on the principal sum.

The judge may  
grant an injunc-  
tion.

No injunction  
until bond and se-  
curity.

Injunction not to  
impair the lien of  
the warrant.

Damages, if ap-  
plication for the  
injunction was  
merely for delay.

Injunction, either  
in or out of court.

SEC. 5. *And be it further enacted,* That such injunctions may be granted or dissolved by such judge, either in or out of court.

Persons ag-  
grieved by the dis-  
trict judge may  
apply to a judge of  
the Supreme Court  
who may grant  
relief.

SEC. 6. *And be it further enacted,* That, if any person shall consider himself aggrieved by the decision of such judge, either in refusing to issue the injunction, or, if granted, on its dissolution, it shall be competent for such person to lay a copy of the proceedings had before the district judge before a judge of the Supreme Court, to whom authority is hereby given, either to grant the injunction, or permit an appeal, as the case may be, if, in the opinion of such judge of the Supreme Court, the equity of the case requires it; and thereupon the same proceedings shall be had upon such injunction in the circuit court as are prescribed in the district court, and subject to the same conditions in all respects whatsoever.

\* \* \* \* \*

Approved May 15, 1820. (Vol. 3, p. 592.)

AN ACT to limit the term of office of certain officers therein named, and for other purposes.

Appointment of  
navy agents, &c.

SEC. 1. *Be it enacted, &c.,* That, from and after the passing of this act, all district attorneys, collectors of the customs, naval officers, and surveyors of the customs, navy agents, receivers of public moneys for lands, registers of the land

offices, paymasters in the army, \* \* \* to be appointed under the laws of the United States, shall be appointed for the term of four years, but shall be removable from office at pleasure.

SEC. 3. *And be it further enacted,* That it shall be lawful for the President of the United States, and he is hereby authorized, from time to time, as in his opinion the interest of the United States may require, to regulate and increase the sums for which the bonds required, or which may be required, by the laws of the United States, to be given by the said officers, and by all other officers employed in the disbursement of the public moneys, under the direction of the war or navy departments, shall be given; and all bonds given in conformity with such regulations shall be as valid and effectual, to all intents and purposes, as if given for the sums respectively mentioned in the laws requiring the same.\*

Sums for which bonds are given may be increased.

Approved May 15, 1820. (Vol. 3, p. 582.)

AN ACT further to amend the several acts relative to the Treasury, War, and Navy Departments.

SEC. 3. *And be it further enacted,* That all moneys appropriated for the use of the War and Navy Departments shall, from and after the day and year last aforesaid, be drawn from the treasury by warrants of the Secretary of the Treasury, upon the requisitions of the Secretaries of those departments, respectively, countersigned by the Second Comptroller of the Treasury, and registered by the proper Auditor.

Manner of drawing moneys from the treasury for the use of the War and Navy Departments.

Approved May 7, 1822. (Vol. 3, p. 688.)

AN ACT to continue in force "An act to protect the commerce of the United States, and punish the crime of piracy," and also to make further provisions for punishing the crime of piracy.

SEC. 3. *And be it further enacted,* That if any person shall, upon the high seas, or in any open roadstead, or in any haven, basin, or bay, or in any river where the sea ebbs and flows, commit the crime of robbery, in or upon any ship or vessel, or upon any of the ship's company of any ship or vessel, or the lading thereof, such person shall be adjudged to be a pirate; and being thereof convicted before the circuit

Crime of robbery declared piracy in certain cases, and persons convicted thereof to suffer death.

\* The bond given by a navy agent under his first commission, which was issued during the recess of the Senate, ceases to have effect after the confirmation by the Senate.—(2 Opin., 333.)

Pursers are liable upon their bonds for public stores committed to their charge, even though such stores are destroyed by inevitable accident.—(4 Opin., 355.)

court of the United States for the district into which he shall be brought, or in which he shall be found, shall suffer death. And if any person engaged in any piratical cruise or enterprise, or being of the crew or ship's company of any piratical ship or vessel, shall land from such ship or vessel, and, on shore, shall commit robbery, such person shall be adjudged a pirate; and on conviction thereof before the circuit court of the United States for the district into which he shall be brought, or in which he shall be found, shall suffer death: *Provided*, That nothing in this section contained shall be construed to deprive any particular State of its jurisdiction over such offences, when committed within the body of a county, or authorize the courts of the United States to try any such offenders, after conviction or acquittance, for the same offence in a State court.

Jurisdiction under certain circumstances.

Approved May 15, 1820. (Vol. 3, p. 600.)

AN ACT concerning the disbursement of public money.

When and to whom advances of public money may be made.

SEC. 1. *Be it enacted, &c.*, That, from and after the passing of this act, no advance of public money shall be made in any case whatever; but in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed [exceed] the value of the service rendered, or of the articles delivered previously to such payment: *Provided*, That it shall be lawful, under the especial direction of the President of the United States, to make such advances to the disbursing officers of the government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfilment of the public engagements: *And provided, also*, That the President of the United States may direct such advances, as he may deem necessary and proper, to such persons in the military and naval service as may be employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled cannot be regularly effected.

[SEC. 2 prescribes the manner in which disbursing officers and agents shall render their accounts, and has been superseded by act of July 17, 1862.]

Proceeds ag'nst persons offending against provisions of this act.

SEC. 3. *And be it further enacted*, That every officer or agent of the United States who shall offend against the provisions of the preceding sections shall, by the officer charged with the direction of the department to which such offending officer is responsible, be promptly reported to the President of the United States, and dismissed from the public service: *Provided*, That in all cases where any officer, in default as aforesaid, shall account to the satisfaction of the President for

such default, he may be continued in office, anything in the foregoing provision to the contrary notwithstanding.

SEC. 4. *And be it further enacted,* That no security given to, or obligation entered into with, the government, shall be in any wise impaired by the dismissing any officer, or from failure of the President to dismiss any officer, coming under the provisions of this act.

Security or obligations not to be impaired by dismissal of any officer. &c.

Approved January 31, 1823. (Vol. 3, p. 723.)

AN ACT respecting the punishment of piracy.

*Be it enacted, &c.,* That, from and after the passage of this act, the district courts of the United States, in districts where no circuit courts are holden, shall have cognizance of all cases arising under an act of Congress, approved May fifteenth, one thousand eight hundred and twenty, entitled "An act to continue in force an act to protect the commerce of the United States, and punish the crime of piracy, and also to make further provision for punishing the crime of piracy," and shall have the same power and jurisdiction therein as the circuit courts of the United States, under the same act.

District courts to have cognizance in cases of piracy where no circuit courts are held.

Approved March 3, 1823. (Vol. 3, p. 789.)

\* AN ACT to prevent defalcations on the part of the disbursing agents of the government, and for other purposes.

*Be it enacted, &c.,* That no money hereafter appropriated shall be paid to any person, for his compensation, who is in arrears to the United States, until such person shall have accounted for, and paid into the treasury, all sums for which he may be liable: *Provided,* That nothing herein contained shall be construed to extend to balances arising solely from the depreciation of treasury notes received by such person, to be expended in the public service; but in all cases where the pay or salary of any person is withheld, in pursuance of this act, it shall be the duty of the accounting officers, if demanded by the party, his agent or attorney, to report, forthwith, to the agent of the Treasury Department, the balance due; and it shall be the duty of the said agent, within sixty days thereafter, to order suit to be commenced against such delinquent and his sureties.

No money appropriated to be paid to persons in arrears to the United States.

Exceptions.

Balance due to be reported.

Suit to be commenced.

Approved January 25, 1828. (Vol. 4, p. 246.)

\* An explanatory act of May 20, 1836, vol. 5, p. 31, provides that this act shall not be construed to authorize the pension of any pensioner of the United States to be withheld.



AN ACT for the better organization of the medical department of the navy of the United States.\*

Appointment of assistant surgeons and surgeons.

*Be it enacted, &c.*, That, from and after the passing of this act, no person shall receive the appointment of assistant surgeon in the navy of the United States, unless he shall have been examined and approved by a board of naval surgeons, who shall be designated for that purpose by the Secretary of the Navy Department; and no person shall receive the appointment of surgeon in the navy of the United States until he shall have served as an assistant surgeon at least two years, on board a public vessel of the United States, at sea, and unless, also, he shall have been examined and approved by a board of surgeons constituted as aforesaid.

Appointment of fleet surgeons.

SE . 2. *And be it further enacted*, That the President of the United States may designate and appoint, to every fleet or squadron, an experienced and intelligent surgeon, then in the naval service of the United States, to be denominated "surgeon of the fleet," who shall be surgeon of the flag-ship, and who, in addition to his duties as such, shall examine and approve all requisitions for medical and hospital stores for the fleet, and inspect their quality; and who shall, in difficult cases, consult with the surgeons of the several ships, and make records of the character and treatment of diseases, to be transmitted to the Navy Department. \* \*

Their duties.

Approved May 24, 1828. (Stat. at Large, Vol. 4, p. 313.)

AN ACT to provide for the punishment of offences committed in cutting, destroying, or removing live oak, and other timber or trees, reserved for naval purposes.†

Persons cutting or destroying live oak, cedar, or other timber, on lands reserved for naval purposes, or cutting or removing timber from other lands of the United States.

SEC. 1. *Be it enacted, &c.*, That if any person or persons shall cut, or cause or procure to be cut, or aid, assist, or be employed in cutting, or shall wantonly destroy, or cause or procure to be wantonly destroyed, or aid, assist, or be employed in wantonly destroying, any live oak or red cedar tree or trees, or other timber, standing, growing, or being, on any lands of the United States, which, in pursuance of any law passed, or hereafter to be passed, shall have been reserved or purchased for the use of the United States for supplying or furnishing therefrom timber for the navy of the United States; or if any person or persons shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing, from any such lands which shall have been reserved or purchased as aforesaid, any live oak or red cedar tree or trees, or other timber, unless duly authorized so to do by order, in writing, of a competent officer, and for

\* This does not forbid the temporary employment of medical assistants, 3 Opin., 239.  
† See acts of March 1, 1817, and March 3, 1859.

the use of the navy of the United States; or if any person or persons shall cut, or cause or procure to be cut, or aid, or assist, or be employed in cutting, any live oak or red cedar tree or trees, or other timber on, or shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing, any live oak or red cedar trees, or other timber, from any other lands of the United States acquired, or hereafter to be acquired, with intent to export, dispose of, use, or employ, the same in any manner whatsoever, other than for the use of the navy of the United States; every such person or persons so offending, on conviction thereof before any court having competent jurisdiction, shall, for every such offence, pay a fine not less than triple the value of the tree or trees, or timber so cut, destroyed, or removed, and shall be imprisoned not exceeding twelve months.

To pay a fine triple the value.

SEC. 2. *And be it further enacted,* That if the master, owner, or consignee, of any ship or vessel shall, knowingly, take on board any timber cut on lands which shall have been reserved or purchased as aforesaid, without proper authority, and for the use of the navy of the United States; or shall take on board any live oak or red cedar timber cut on any other lands of the United States, with intent to transport the same to any port or place within the United States, or to export the same to any foreign country; the ship or vessel on board of which the same shall be taken, transported, or seized, shall, with her tackle, apparel, and furniture, be wholly forfeited to the United States; and the captain or master of such ship or vessel, wherein the same shall have been exported to any foreign country against the provisions of this act, shall forfeit and pay to the United States a sum not exceeding one thousand dollars.

Vessels employ'd in taking away timber to be forfeited.

Captain to be fined.

SEC. 3. *And be it further enacted,* That all penalties and forfeitures incurred under the provisions of this act shall be sued for, recovered, and distributed, and accounted for, under the directions of the Secretary of the Navy, and shall be paid over, one-half to the informer or informers, if any, or captors, where seized, and the other half to the commissioners of the navy pension fund, for the use of the said fund; and the commissioners of the said fund are hereby authorized to mitigate, in whole, or in part, and on such terms and conditions as they shall deem proper, and order, in writing, any fine, penalty, or forfeiture, incurred under this act.

Penalties, how to be sued for.

Mitigation of penalty.

Approved March 2, 1831. (Vol. 4, p. 472.)

AN ACT to provide for paying certain arrearages for surveys made by naval officers, and for other purposes.

SEC. 3. *And be it further enacted,* That, from and after the passage of this act, the commander of the navy yard at the city of Washington shall cease to act as navy agent; and that portion of the act of the twenty-seventh of March,

Commander of navy yard at Washington to cease to act as navy agent.

Perman'nt ag'nt  
to be appointed for  
the navy yard and  
Navy Dep'tment.

one thousand eight hundred and four, which made it his duty so to do, shall be, and the same is hereby, repealed, and a separate and permanent agent shall be appointed as in other cases, in the same manner, entitled to the same compensation, and under the same responsibilities, and to be governed by the same laws and regulations which now are, or may hereafter be, adopted for other navy agents; and it shall be his duty to act as agent not only for the navy yard in this city, but for the Navy Department, under the direction of the Secretary thereof, in the payment of such accounts and claims as the said Secretary may direct.

Approved July 10, 1832. (Vol. 4, p. 569.)

AN ACT for the regulation of the navy and privateer pension and navy hospital funds.

Secretary of the  
Navy constituted  
trustee of the navy  
and privateer pen-  
sion and navy hos-  
pital funds.

SEC. 1. *Be it enacted, &c.*, That the commissioners of the navy pension and navy hospital funds be, and they are hereby, directed to close all their accounts as trustees of said funds, and to pay over the balance of cash in their hands, and to assign over and transfer all the certificates of stock, and other property, belonging to said funds, and to the privateer pension fund, to the Treasurer of the United States, for the use of the Secretary of the Navy, for the payment of navy and privateer pensions, and for expenditures on account of navy hospitals, et cetera; and as soon as said assignment and transfer shall be made, the said commissioners shall be, and they are hereby released and discharged from all further trusts connected with said funds, and the Secretary of the Navy be, and he is hereby, constituted the trustee of said funds\*; and as such, it shall be his duty to receive applications for pensions,† and to grant the same according to the terms of the acts of Congress in such case made and provided, and to direct and control the expenditures out of the navy hospital fund.

Books to be  
opened and ac-  
counts kept, show-  
ing condition of  
such funds.

SEC. 3. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized and required to cause books to be opened, and regular accounts to be kept, showing the condition of the navy and privateer pension

\* By the 11th section of the act for the better government of the navy, approved July 17, 1862, all money accruing or already accrued to the United States from the sale of prizes is to remain forever a fund for the payment of pensions to the officers, seamen, and marines who may be entitled to receive the same; and by resolution of July 1, 1864, the Secretary of the Navy, as trustee of the naval pension fund, is authorized and directed to invest it in registered securities of the United States, &c.

† By the act of March 4, 1840, (5 Stat., 369,) the pension business, transacted to that date in the Navy Department, was transferred to the Commissioner of Pensions, who executed, under direction of the Secretaries of the War and Navy Departments, such duties in relation to the various pension laws as the President should direct; and by the act of March 3, 1849, (9 Stat., 395,) the Secretary of the Interior was authorized to exercise the supervising and appellate powers then exercised by the Secretaries of the War and Navy Departments in relation to all acts of the Commissioner of Pensions. The Secretary of the Navy is therefore relieved from the requirements of this act stated in the clauses italicized, and they fall on the Secretary of the Interior.

*funds, the receipts and expenditures thereof, the names of the pensioners, and the dates and amount of their respective pensions, with a statement of the act or acts of Congress under which the same may be granted; and that he shall annually report to Congress an abstract showing the condition of these funds in all these particulars, and the receipts and expenditures during the year; and cause a similar account of the receipts and expenditures of the navy hospital fund to be kept and reported to Congress, annually, in like manner, and at the same time, with the reports upon the pension funds.*

Abstract to be reported to Congress annually.

SEC. 5. *And be it further enacted,* That all the powers conferred and duties imposed by laws now in force on the commissioners of the navy and privateer pension and navy hospital funds be, and they are hereby, transferred to the Secretary of the Navy; and all acts and parts of acts contrary to the provisions of this act be, and they are hereby, repealed.

Powers and duties of commissioners relative to certain funds transferred to Secretary of the Navy.

Approved July 10, 1832. (Vol. 4, p. 572.)

AN ACT for the better organization of the United States marine corps.

SEC. 2. *And be it further enacted,* That the said corps shall, at all times, be subject to and under the laws and regulations which are or may hereafter be established for the better government of the navy, except when detached for service with the army by order of the President of the United States.

Subject to the laws of the navy, except, &c.

SEC. 3. *And be it further enacted,* That the officers, non-commissioned officers, musicians, and privates, shall take the oath prescribed by law, and that all enlistments shall be for the term of four years, during which period marines, so enlisted, shall be, and are hereby, exempt from all personal arrest for debt or contract.

Period of enlistments.

Exempt from personal arrest for debt.

SEC. 4. *And be it further enacted,* That the officers of the marine corps shall be, in relation to rank, on the same footing as officers of similar grades in the army: *Provided,* That no officer of the marine corps shall exercise command over any navy yard or vessel of the United States.

To rank with officers of similar grad's in the army.

SEC. 5. *And be it further enacted,* That the officers of the marine corps shall be entitled to, and receive, the same pay, emoluments, and allowances, as are now, or may hereafter be, allowed to officers of similar grades in the infantry of the army, except the adjutant and inspector, who shall be entitled to the same pay, emoluments, and allowances, as are received by the paymaster of said corps; and the non-commissioned officers, musicians, and privates, shall be entitled to the same pay, rations, clothing, and allowances, as they now receive.\*

Pay and emoluments.

\* The officers of the corps are allowed the same pay and allowances as officers of the infantry of the army under the act for the better organization of the marine corps, approved June 30, 1834; and the enlisted men the same pay and bounty for re-enlisting

**Staff.**

**SEC. 6.** *And be it further enacted,* That the staff of said corps shall be taken from the captains or subalterns of the corps.

**President to prescribe regulations.**

**SEC. 8.** *And be it further enacted,* That the President be, and he is hereby, authorized to prescribe such military regulations for the discipline of the marine corps as he may, in his judgment, deem expedient.

**Parts of former acts repealed.**

**SEC. 9.** *And be it further enacted,* That so much of the fourth section of an act passed the sixth day of July, in the

as allowed to the enlisted men of the infantry, under an act approved August 5, 1864. (10 Stat., 586.)

The acts under which the officers and men are now paid are as follows:

**Officers.**—The act fixing the military peace establishment approved March 16, 1802, (Stat. 2, 132,) establishes the monthly pay and the number of rations allowed to officers.

An act approved March 30, 1814, (Stat. 3, 114,) authorizes servants to officers, and an act approved April 24, 1816, (3 Stat., 299, sec. 12,) fixes the allowance at the amount of pay, rations and clothing of a private soldier. An act approved March 3, 1865, confirms this allowance at the present rate of pay of a private.

An act approved March 30, 1814, (Stat. 3, 114, sec. 6,) and April 24, 1816, (3 Stat., 299, sec. 12,) each grant an additional ration to subalterns.

An act approved July 5, 1838, (Stat. 5, 258, sec. 15,) grants to all officers below the grade of general officer an additional ration for every five years' service.

An act to increase the pay of the officers of the army, approved 21st February, 1857, increases the monthly pay of all officers twenty dollars per month, and fixes the price of the ration at thirty cents per ration. The foregoing acts, viz: March 16, 1802, March 30, 1814, April 24, 1816, July 5, 1838, and February 21, 1857, establish the monthly pay, the number of rations, and the servant allowance as now paid to officers. An act approved March 3, 1865, increases the price of rations to fifty cents per ration to officers who do not receive commutation for quarters or fuel, to continue during the present rebellion, after which the price will be thirty cents per ration under the act of February 21, 1857.

An act approved July 17, 1862, (sec. 2, Stat. 12, page 594,) establishes the allowance of forage.

When quarters and fuel are not furnished by the government, a commutation is allowed, which commutation is governed by regulations of the War Department. Officers of the marine corps on board ships do not receive these allowances.

All officers of the marine corps below the grade of major are (by regulations of the Navy Department) entitled to ten dollars per month for the responsibility of arms, accoutrements, and clothing, when commanding or on duty as the senior line officer at naval stations on shore, or when commanding the guard of a vessel in commission, the complement of which guard is forty men or upwards.

Officers absent from duty over six months, either with or without leave, do not receive the allowance for servants, forage, fuel, or quarters, either in kind or commutation, (act August 3, 1861, Stat. 12, 290, sec. 20.) An officer absent from duty with leave, except for sickness or wounds, shall receive but half-pay and allowance, and any officer absent without leave shall forfeit all pay and allowances during such absence, (act 3d March, 1863, Stat. 12, 736, sec. 31.)

An act approved June 20, 1864, sec. 11, permits a leave of absence for thirty days in a year without deduction of pay.)

**Enlisted men.**—An act to increase the pay of soldiers of the army, &c., approved June 20, 1864, establishes the rate of pay under which enlisted men are now paid. This act continues in force during the present rebellion; after which the non-commissioned officers and musicians will be paid under the act of 5th July, 1838, (Stat. 5, 258,) as amended by the act to increase the pay of the rank and file of the army approved August 4, 1854, (Stat. 10, 575,) and the privates under act approved August 6, 1861, (Stat. 12, 326.)

The marine band are paid under an act approved July 29, 1861, (Stat. 12, 280, sec. 4,) and are allowed four dollars per month additional under an act approved 18th August, 1856, (Stat. 11, 118, sec. 5.) The leader of the band is paid under the act of June 20, 1864.

year one thousand eight hundred and twelve, entitled "An act making further provision for the army of the United States, and for other purposes," or of any other act, as authorizes the President to confer brevet rank on such officers of the army, or of the marine corps, as shall have served ten years in any one grade, shall be, and the same hereby is repealed; and so much of the second section of an act passed the sixteenth of April, one thousand eight hundred and eighteen, entitled "An act regulating the pay and emoluments of brevet officers," as may be applicable to the clause herein above repealed, shall be, and the same hereby is, also repealed: *Provided*, nothing herein shall affect any right already acquired by ten years' expired service to brevet rank.

Brevet rank.

Provido.

Approved June 30, 1834. (Vol. 4, p. 712.)

The following are the acts herein referred to in the ninth section:

AN ACT making further provision for the army of the United States, and for other purposes.

SEC. 4. *And be it further enacted*, That the President is hereby authorized to confer brevet rank on such officers of the army as shall distinguish themselves by gallant actions or meritorious conduct, or who shall have served ten years in any one grade: *Provided*, That nothing herein contained shall be so construed as to entitle officers so brevetted to any additional pay or emoluments, except when commanding separate posts, districts, or detachments, when they shall be entitled to, and receive, the same pay and emoluments to which officers of the same grades are now, or hereafter may be, allowed by law.

Brevet rank.

Approved July 6, 1812.

AN ACT regulating the pay and emoluments of brevet officers.

SEC. 1. *Be it enacted, &c.*, That the officers of the army, who have brevet commissions, shall be entitled to, and receive, the pay and emoluments of their brevet rank when on duty, and having a command according to their brevet rank, and at no other time.

Pay and emoluments, brevet commissions.

SEC. 2. *And be it further enacted*, That no brevet commission shall hereafter be conferred but by and with the advice and consent of the Senate.

How br'v't commissions shall be conferred.

Approved April 16, 1818.

AN ACT to regulate the pay of the navy of the United States.

*Be it enacted, &c.*, That from and after the passage of this

act, the annual pay of the officers of the navy of the United States shall be as follows :

## CLERKS

To commanders of squadrons, captains of fleets; and commanders of vessels, five hundred dollars.

\* \* \* \* \*

Officers on furlough.

*\* No officer shall be put on furlough but at his own request, and all officers so furloughed shall receive one-half only of the pay to which they would have been entitled if on leave of absence.*

Rank of assistant surgeons under certain circumstances.

If any assistant surgeon shall have been absent from the United States, on duty, at the time others of his date were examined, he shall, if not rejected at a subsequent examination, be entitled to the same rank with them; and if, from any cause, his relative rank cannot be assigned to him, he will retain his original position on the register.

\* \* \* \* \*

No allowance for drawing bills, &c.

SEC. 2. *And be it further enacted,* That no allowance shall hereafter be made to any officer in the naval service of the United States for drawing bills, for receiving or disbursing money, or transacting any business for the government of the United States, nor shall he be allowed servants, or pay for servants, or clothing or rations for them, or pay for the same, nor shall any allowance be made to him for rent of quarters, or to pay rent for furniture, or for lights or fuel, or transporting baggage. It is hereby expressly declared that the yearly allowance provided in this act is all the pay, compensation, and allowance that shall be received under any circumstances whatever by any such officer or person, except for travelling expenses when under orders, for which ten cents per mile shall be allowed.

Approved March 3, 1835. (Vol. 4, p. 755.)

AN ACT making appropriations for the civil and diplomatic expenses of the government for the year one thousand eight hundred and thirty-six.

Annual statement of expenditure of contingent fund to be made to Congress.

SEC. 2. *And be it further enacted,* That it shall be the duties of the Secretaries of State, of the Treasury, of the War and Navy Departments \* \* \* to lay before Congress, in lieu of the statement now required by law, during the first week in each annual session of Congress, a statement of the expenditures made by them respectively from the contingent funds of their respective departments, \* \* \* said statements to be abstracts of the accounts with the names of all persons to whom payments have been made, and the amount paid to each.

Approved May 9, 1836. (Vol. 5, p. 25.)

\* Words in italics repealed by act of March 3, 1845.

AN ACT to provide for the enlistment of boys for the naval service, and to extend the term of the enlistment of seamen.

SEC. 1. *Be it enacted, &c.*, That it shall be lawful to enlist boys for the navy, with the consent of their parents or guardians, not being under thirteen nor over eighteen years of age, to serve until they shall arrive at the age of twenty-one years; and it shall be lawful to enlist other persons\* for the navy, to serve for a period not exceeding five years, unless sooner discharged by direction of the President of the United States.

Boys may be enlisted.

Other persons may be enlisted for five years.

Approved March 2, 1837. (Vol. 5, p. 153.)

AN ACT to authorize the President of the United States to cause the public vessels to cruise upon the coast in the winter season, and to relieve distressed navigators.

*Be it enacted, &c.*, That the President of the United States be, and hereby is, authorized to cause any suitable number of public vessels, adapted to the purpose, to cruise upon the coast, in the severe portion of the season, when the public service will allow of it, and to afford such aid to distressed navigators as their circumstances and necessities may require; and such public vessels shall go to sea prepared fully to render such assistance.

Public vessels to cruise upon the coast in the winter for the relief of distressed navigators.

Approved December 22, 1837. (Vol. 5, p. 208.)

AN ACT making appropriations for the civil and diplomatic expenses of the government for the year one thousand eight hundred and thirty-nine.

SEC. 3. *And be it further enacted*, That no officer in any branch of the public service, or any other person, whose salaries or whose pay or emoluments is or are fixed by law and regulations, shall receive any extra allowance or compensation, in any form whatever, for the disbursement of public money, or the performance of any other service, unless the said extra allowance or compensation be authorized by law;† nor shall

Officers with fixed salaries not to receive extra compensation.

\* The term "persons" shall be construed to include marines. Act of March 3, 1845.

† This destroys all claims for extra compensation on the ground of extra services; is general in its terms, applying to all who have a fixed compensation.—10 Howard, 141; 1 Curt., cc. 15, and others. This question is discussed in 6 Opin., 583. The Attorney General, referring to the prohibitory acts of March 3, 1839, May 18, 1842, August 23 and 26, 1842, and citing several cases disposed of by the Supreme Court, says: "All concur in establishing the principle that, to enable a salaried officer to receive extra compensation for services rendered to the government, it must be made to appear that the services for which extra compensation is claimed were not such as were ordinarily attached to the duties of the office held, but were performed under a special authority not connected with his regular official duties; or under such circumstances as rendered the extra labor and responsibility assumed by the officer performing it necessary."



Purchase of newspapers and periodicals. of any executive officer, other than the heads of departments, apply more than thirty dollars annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office.\*

Approved March 3, 1839. (Vol. 5, p. 349.)

AN ACT making provisions for the payment of pensions to the executors or administrators of deceased pensioners in certain cases.

Payment of pension due deceased male pensioners.

*Be it enacted, &c.,* That in case any male pensioner shall die, leaving children, but no widow, the amount of pension due to such pensioner at the time of his death shall be paid to the executor or administrator on the estate of such pensioner, for the sole and exclusive benefit of the children, to be by him distributed among them in equal shares, and the same shall not be considered as a part of the assets of said estate, nor liable to be applied to the payment of the debts of said estate in any case whatever.

Payment of pension due deceased female pensioners.

SEC. 2. *And be it further enacted,* That in case any pensioner who is a widow shall die, leaving children, the amount of pension due at the time of her death shall be paid to the executor or administrator for the benefit of her children, as directed in the foregoing section.

Payment of pension due any deceased pensioner.

SEC. 3. *And be it further enacted,* That in case of the death of any pensioner, whether male or female, leaving children, the amount of pension may be paid to any one or each of them, as they may prefer, without the intervention of an administrator.

Approved June 19, 1840. (Vol. 5, p. 385.)

AN ACT making appropriations for the naval service for the year one thousand eight hundred and forty.

\* \* \* \* \*

Annual statement of amount expended for wages of mechanics and laborers employed in repairing, building, and equipping vessels to be laid before Congress, &c.

SEC. 4. *And be it further enacted,* That it shall be the duty of the Secretary of the Navy to cause to be laid before Congress, annually, as soon after the beginning of each year as practicable, a statement of the amounts expended during the preceding fiscal year for wages of mechanics and laborers employed in building, repairing, or equipping vessels of the navy, or in receiving and securing stores and materials for those purposes; and for the purchase of materials and stores for the same purposes; a statement of the cost or estimated value of the stores on hand, under this appropriation, in the navy yards at the commencement of the next preceding fiscal year; the cost or estimated value of articles received and expended

\* See act of August 26, 1842, sections 16 and 19, relative to the purchase of newspapers, periodicals, &c.

during the year; and the cost or estimated value of the articles belonging to this appropriation which may be on hand in the navy yards at the close of the next preceding fiscal year.

Approved July 20, 1840. (Vol. 5, p. 401.)

AN ACT to provide for the payment of navy pensions.

SEC. 2. *And be it further enacted,* That no officer, seaman, or marine, entitled to a pension from the navy pension fund, who receives pay from the public treasury, shall receive more from the said fund than is sufficient to make the whole amount received from both the above-named sources equal to the pay fixed by law for the grade to which the officer, seaman, or marine may belong, as an officer in the services in which he may be engaged during the year, so that no officer shall receive pay at the same time both as a pensioner and an officer in service.\*

Amount to be paid to naval pensioners from pension fund restricted.

Approved August 16, 1841. (Vol. 5, p. 440.)

JOINT RESOLUTION making it the duty of the Attorney General to examine into the titles of the lands or sites for the purpose of erecting thereon armories, and other public works and buildings, and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be the duty of the Attorney General of the United States to examine into the titles of all the lands or sites which have been purchased by the United States for the purpose of erecting thereon armories, arsenals, forts, fortifications, navy yards, custom-houses, light-houses, or other public buildings of any kind whatever, and report his opinion as to the validity of the title in each case to the President of the United States.

Attorney General to make the examination and report to the President.

2. *Resolved,* That it shall be the duty of all the officers of the United States, having any of the title papers to the property aforesaid in their possession, to furnish them forthwith to the Attorney General, to aid him in the investigation aforesaid.

Title papers to be furnished to the Attorney General.

3. *Resolved,* That no public money shall be expended upon any site or land hereafter to be purchased by the United States for the purposes aforesaid until the written opinion of the Attorney General shall be had in favor of the validity of the title, and also the consent of the legislature of the State in which the land or site may be, shall be given to said purchaser.

Public money not to be expended until title is declared valid, &c.

\* By the act of March 3, 1865, sec. 1, no invalid pensioner in the service of the United States shall be entitled to draw a pension for any period of time during which he is or shall be entitled to the full pay or salary which an able-bodied person discharging like duties to the government is allowed by law.

District attorneys to furnish assistance.

4. *Resolved*, That it shall be the duty of the district attorneys of the United States, upon the application of the Attorney General, to furnish any assistance or information in their power in relation to the titles of the public property aforesaid lying within their respective districts.

Secretaries of the executive departments to procure additional evidence when required.

5. *Resolved*, That it shall be the duty of the Secretaries of the executive departments, upon the application of the Attorney General, to procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of government; the expense of procuring which to be paid out of the appropriations made for the contingencies of the departments respectively.

Secretaries of the executive departments to apply to the State legislatures for jurisdiction over said lands, &c.

6. *Resolved*, That it shall be the duty of the Secretaries of the executive departments, respectively, under whose direction any lands for the purposes aforesaid may have been purchased, and over which the United States do not possess jurisdiction, to apply to the legislatures of the States in which the lands are situated for a cession of jurisdiction; and, in case of refusal, to report the same to Congress at the commencement of the next session thereafter.

Approved September 11, 1841. (Vol. 5, p. 468.)

AN ACT making appropriations for the support of the army and of the Military Academy for the year one thousand eight hundred and forty-two.

Extra allowance, additional pay, &c., in certain cases forbidden.

SEC. 2. *And be it further enacted*, That no officer in any branch of the public service, or any other person whose salary, pay, or emoluments, is or are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatsoever, unless the same shall be authorized by law, and the appropriation therefor explicitly set forth that it is for such additional pay, extra allowance, or compensation.

Approved August 23, 1842. (Vol. 5, p. 510.)

AN ACT to regulate the pay of pursers and other officers of the navy.

All supplies for the navy to be purchased with the public money.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all purchases of clothing, groceries, stores, and supplies of every description for the use of the navy, as well for vessels in commission as for yards and stations, shall be made with, and out of, the public moneys appropriated for the support of the navy, under such directions and regulations as may be made by the Executive for that purpose; and it shall

not be lawful for pursers, or other officers or persons holding commission or employment in the naval service, to procure stores or any other articles or supplies for, and dispose thereof to the officers or to the crew, during the period of their enlistment, on or for their own account or benefit; nor shall any profit or percentage upon stores or supplies be charged to, or received from, persons in the naval service, other than those which are hereinafter prescribed.

Pursers, &c., not to dispose of stores to officers or crew on their own account.

No percentage to be charged on stores, other than hereinafter prescribed.

SEC. 2. *And be it further enacted,* That it shall be the duty of the Executive to provide such rules and regulations for the purchase, preservation, and disposition of all articles, stores, and supplies for persons in the navy, as may be necessary for the safe and economical administration of that branch of the public service.

Executive to provide regulations for the purchase of stores, &c.

SEC. 4. *And be it further enacted,* That nothing in this act contained shall be construed to affect the bonds which have heretofore been given by pursers in the navy, but the same shall remain in full force and effect as if this law had not been passed; and the Secretary of the Navy is hereby authorized and required to demand and receive from them, or any of them, new bonds, with sufficient sureties, in all cases in which he may consider the same necessary and expedient; and in case any purser shall neglect or refuse to give such new bond, it shall be the duty of the Executive to dismiss him forthwith from the service.

Bonds heretofore given not affected by this act.

Secretary of the Navy may demand new bonds.

Pursers neglecting or refusing to give the same to be dismissed.

SEC. 6. *And be it further enacted,* That it shall not be lawful for a purser in the navy to advance or loan any sum or sums of money, public or private, or any article or commodity whatever, or any credit, to any officer in the naval service, under any pretence whatever.\*

Advances or loans of money, &c., unlawful.

SEC. 10. *And be it further enacted,* That all acts or parts of acts which may be contrary to, or inconsistent with, the provisions of this act, shall be, and are hereby, repealed.

Acts inconsistent with this act repealed.

Approved August 26, 1842. (Vol. 5, p. 535.)

\* This section is not repealed by the joint resolution of March 3, 1849, for the relief of pursers, &c., which allows disbursing officers credit for disbursements of public moneys or disposal of public stores made by order of a commanding officer, although objection may be raised by the accounting officers.

To allow a paymaster to advance or loan to a commanding officer on his simple order the funds provided for the expenses of the ship and wages of the crew, would be dangerous to the service and unsafe for the treasury, leaving an open door for collusion and fraud. No credits will be allowed to paymasters for advances or loans hereafter made by orders of commanding officers, no matter how frequent or peremptory such orders may be.—(Circular of Navy Department, March 20, 1855.)

AN ACT legalizing and making appropriations for such necessary objects as have been usually included in the general appropriation bills, without authority of law, and to fix and provide for certain incidental expenses of the departments and officers of the government, and for other purposes.

Names of clerks and other persons employed in the departments to be reported to Congress at the commencement of each year, &c.

No greater allowance to be made than the law allows, except &c.

No allowance or compensation for extra work or services.

Duty of chief clerks.

SEC. 11. *And be it further enacted*, That it shall be the duties of the Secretaries of State, of the Treasury, War, and Navy, \* \* \* to report to Congress, at the beginning of each year, the names of the clerks and other persons that have been employed, respectively, during the preceding year, or any part thereof, in their respective departments and offices, together with the time that each clerk or other person was actually employed, and the sums paid to each; and also whether they have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service; and whether the removal of any individuals and the appointment of others in their stead is required for the better despatch of business; and no greater allowance shall be made to any such clerk or other person than is or may be authorized by law, except to watchmen and messengers for any labor or services required of them beyond the particular duties of their respective stations, rendered at such times as does not interfere with the performance of their regular duties.

SEC. 12. *And be it further enacted*, That no allowance or compensation shall be made to any clerk or other officer, by reason of the discharge of duties which belong to any other clerk or officer in the same or any other department; and no allowance or compensation shall be made for any extra services whatever which any clerk or other officer may be required to perform.\*

SEC. 13. *And be it further enacted*, That it shall be the duty of each chief or principal clerk in the respective departments, bureaus, and other offices to supervise, under the direction of his immediately superior officer, the duties of the other clerks therein, and to see that their duties are faithfully executed, and that such duties are distributed with equality and uniformity, according to the nature of the case. And such distribution shall be revised from time to time by the said chief or principal clerk for the purpose of correcting any tendency to undue accumulation or reduction of duties, whether arising from individual negligence or incapacity, or from increase or diminution of particular kinds, of business;

\*The separate duties of the several clerks in the department, except where they are specifically designated in particular cases by statute, are assigned to such clerks by the head of the department; and no posterior claim to extra compensation can be founded on the official acts done by a clerk, provided those acts constituted any part of the lawful general duties of the department.—(Opin. 6, 583.) See note to act of March 3, 1839, *ante*, and act of March 3, 1853, forbidding salary for extra services.

The 4th section of the act approved March 3, 1849, prohibits a clerk or other officer from receiving the salary of a Secretary or head of bureau for having acted in his stead while such Secretary or head received such salary.

and such chief or principal clerk shall report monthly to his superior officer any existing defect that he may be aware of in the arrangement or despatch of business; and such defect shall be amended by new arrangements of duties, dismissal of negligent or incompetent officers or otherwise.

SEC. 14. *And be it further enacted*, That it shall be the duty of the several heads of departments in communicating estimates of expenditures and appropriations to Congress, and to any of the committees thereof, to specify, as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded; and, in so doing, to discriminate between such estimates as are conjectural in their character, and such as are framed upon actual information and application from disbursing officers; and in communicating the several estimates, reference shall be given to the laws and treaties by which they are authorized, the dates thereof, and the volume, page, and section in which the necessary provisions are contained.

Manner of submitting estimates.

SEC. 15. *And be it further enacted*, That no extra clerk shall be employed in any department, bureau, or office, at the seat of government, except during the session of Congress, or when indispensably necessary to enable such department, bureau, or office to answer some call made by either house of Congress at one session, to be answered at another; and not then except by order of the head of the department in which, or in some bureau or office of which, such extra clerk shall be employed; and no such extra clerk, for copying, shall receive more than three dollars per day, or for any other service more than four dollars per day for the time actually and necessarily employed.

When extra clerks may be employed.

Compensation allowed.

SEC. 16. *And be it further enacted*, That no messenger, assistant messenger, laborer, or other person shall be employed in any department, bureau, or office at the seat of government, or paid out of the contingent fund appropriated to such department, bureau, or office, unless such employment shall be authorized by law, or shall become necessary to carry into effect some object for which appropriations may be specifically made; and not exceeding one hundred dollars per annum shall be applied by each department (except the Department of State) for the purchase of newspapers for such department, and all the bureaus and offices connected therewith; and such papers shall be preserved as files for said department.

Messengers and other persons not to be employed unless under authority of law.

Not more than one hundred dollars per annum to be applied to the purchase of newspapers.

SEC. 17. *And be it further enacted*, That, all stationery \* \* \* of every name and nature for the use of the several departments of government, and for the bureaus and offices in those departments at Washington \* \* \* shall hereafter be furnished \* \* \* by contract by the lowest bidder, as follows: \* \* \* the head of each department \* \* \* shall respectively advertise once a week, for at least four weeks, in one or more of the principal papers published in the places where such articles are to be furnished,

How stationery for the departments is to be procured.

Advertisement \* \* \*  
for and reception  
of proposals.

\* \* \* for sealed proposals for furnishing such articles, or the whole of any particular class of articles, \* \* \* specifying in such advertisement the amount, quantity, and description of each kind of articles to be furnished, \* \* \* and all such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when they shall be opened by, or under the direction of the officer making such advertisement, in the presence of at least two persons; and the person offering to furnish any class of such articles \* \* \* and giving satisfactory security for the performance thereof, under a forfeiture not exceeding twice the contract price in case of failure, shall receive a contract for doing the same;\* and in case the lowest bidder shall fail to enter into such contract and give such security within a reasonable time to be fixed in such advertisement, then the contract shall be given to the next lowest bidder who shall enter into such contract and give such security. And in case of a failure to supply the articles \* \* \* by the person entering into such contract, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States, in any court having jurisdiction thereof.

Award of contract.

[The portions of sec 17 omitted relate to the public printing, which is executed in accordance with other enactments.]

Bids to be preserved, &c.

SEC. 18. *And be it further enacted,* That all such bids or proposals shall be returned by the person authorized as aforesaid to receive the same, to the executive department from which such authority is derived, and shall be preserved in said department, subject to such examination as Congress may at any time order and direct.

Application of contingent fund for books, &c.

SEC. 19. *And be it further enacted,* That no part of the contingent fund appropriated to any department, bureau, or office shall be applied to the purchase of books, periodicals, pictures or engravings, or other thing, except such books, periodicals and maps, or other thing, as the head of such department shall deem necessary and proper to carry on the business of such department, and shall by written order direct to be procured for that purpose.

Accounting or disbursing officers not to allow or pay certain accounts or charges without special appropriations.

SEC. 25. *And be it further enacted,* That it shall not at any time hereafter be lawful for any accounting or disbursing officer of the government to allow or pay any account or charge whatever, growing out of, or in any way connected with any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriation shall have been made by law to pay such accounts and charges.

\* \* \* \* \*

Approved August 26, 1842. (Vol. 5, p. 523.)

\*A head of a department, advertising according to law for proposals for stationery, is the competent and only judge of the matters of fact involved in the acceptance or rejection of any of the proposals.—(6 Opin., 226.)

AN ACT to regulate the appointment and pay of engineers in the navy of the United States.\*

*Be it enacted, &c., \* \* \* \* neither the chief nor the assistant engineers shall hold any other rank than as engineers.*

SEC. 2. *And be it further enacted, That the Secretary of the Navy shall be authorized to enlist and employ the requisite number of firemen.* Enlistment of firemen.

\* \* \* \* \*

SEC. 5. *And be it further enacted, That the Secretary of the Navy shall be authorized to prescribe a uniform for the said chief engineers and assistant engineers, and to make all necessary rules and regulations for the proper arrangement and government of the corps of engineers and assistant engineers, not inconsistent with the Constitution and laws of the United States. The said engineers and assistant engineers shall be, in all respects, subject to the laws, rules, and regulations of the naval service, in like manner with other officers of the service.* Uniform for engineers and rules for their government to be prescribed. Engineers subject to laws and regulations of the navy.

SEC. 6. *And be it further enacted, That \* \* \* assistant engineers shall be appointed by warrant from the Secretary of the Navy, in such form as he may prescribe.* Assistant engineers, how appointed.

[SEC. 7.] *And be it further enacted, That the Secretary of the Navy be and he is hereby, authorized to establish, at such places as he may deem necessary, suitable depots of coal, or other fuel, for the supply of steam ships-of-war.* Depots of coal authorized.

Approved August 31, 1842. (Vol 5, p. 577.)

AN ACT making appropriations for the naval service for the half calendar year beginning the 1st day of January and ending the 30th day of June, 1843, and for the fiscal year beginning the 1st day of July, 1843, and ending the thirtieth day of June, one thousand eight hundred and forty-four.

*Provided, That all provisions and clothing, hemp, and other materials† of every name and nature, for the use of the navy, and the transportation thereof, when time will permit, shall hereafter be furnished by contract‡ by the lowest bidder, as follows: the Secretary of the Navy shall advertise once a* How provisions and other materials for the navy are to be procured.

\* See act of July 4, 1864, establishing the number of engineers and their pay.

† Not to apply to ordnance, gunpowder, medicines, or the supplies which it may be necessary to purchase out of the United States for vessels on foreign stations, act of March 3, 1845; nor to butter and cheese destined for the use of the navy, or things contraband of war, act of March 3, 1847; nor to tobacco for the navy, act of August 3, 1848; nor to bunting for the navy, act of March 2, 1865. Flour may be procured as Secretary of Navy may deem best, act of March 3, 1863; hemp, in open market, act of March 3, 1851. By the act of September 28, 1850, preference is to be given, in making contracts and purchasing articles for naval purposes, to articles of American growth, production, and manufacture, all other things being equal, including price and quality.—(See act of March 2, 1861, regulating purchases and contracts for supplies in the departments.)

‡ Purchases in open market cannot be resorted to except in cases of and in reference to such articles as are wanted for use so immediate as not to permit of contracts by advertisement.—(4 Opin., 475.)



Advertisement for and reception of proposals.

week for at least four weeks,\* in one or more† of the principal papers published in the place where such articles are to be furnished, for sealed proposals‡ for furnishing such articles, or the whole of any particular class of articles, specifying in such advertisement the amount, quantity, and description of each kind of articles to be furnished;§ and all such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when they shall be opened by or under the direction of the officer making such advertisement, in the presence of at least two persons;¶ and the person offering to furnish any class of such articles, and giving satisfactory security for the performance thereof, under a forfeiture not exceeding twice the contract price in case of failure, shall receive a contract for furnishing the same;|| *and in case the lowest bidder shall fail to enter into such contract and give such security within a reasonable time, to be fixed in such advertisement, then the contract shall be given to the next lowest bidder, who shall enter into such contract and give such security;*\*\* and that all such bids or proposals shall be preserved and recorded, and reported to Congress at the commencement of every regular session; and the same shall contain a true and faithful abstract of all offers made, embracing as well those which are rejected as those which are accepted. The said abstract shall embrace the names of the party or parties offering, the terms proposed, the sums demanded, and the length of time the agreement is to continue. And in case of a failure to supply the articles, or to perform the work, by the person entering into such contract, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States, in any court having jurisdiction thereof.

Award of contract.

Bids to be preserved, &c., and reported to Congress.

Approved March 3, 1843. (Vol. 5, p. 617.)

AN ACT making appropriations for the civil and diplomatic expenses of government for the fiscal year ending the thirtieth day of June, eighteen hundred and forty-four.

Survey of the coast—how to be conducted.

*Be it enacted, &c., \* \* \** for survey of the coast of the United States: \* \* \* *Provided, That this and all other ap-*

\* This is repealed by act of September 23, 1850, so far as relates to proposals for transportation for supplies for the use of the navy, which advertisements may be made for a period of not less than five days.

† See act of March 3, 1845, section 12, as to advertisements in papers in Washington.

‡ All proposals to be accompanied by a written guarantee, &c.; act of August 10, 1846.

§ By act of August 5, 1854, the classes only of materials are to be stated in the advertisements.

¶ All persons offering bids have the right to be present when the bids are opened and to inspect the same; act of March 3, 1863.

|| See joint resolution of March 3, 1863, and act of July 4, 1864, amending it, as to what bids may be rejected and who are not to be received as sureties; also act of July 17, 1862, prohibiting the transfer of interest in contracts.

\*\* The clause in *italics* has been modified by act of August 10, 1846, which provides that if the accepted bidders fail to enter into an obligation within the time prescribed by the Secretary of the Navy, he "shall proceed to contract with some other person or persons for furnishing the said supplies."

propriations hereafter to be made for this work shall, until otherwise provided by law, be expended in accordance with a plan\* of reorganizing the mode of executing the survey, to be submitted to the President of the United States, by a board of officers, which shall be organized by him, to consist of the present superintendent, his two principal assistants, and the two naval officers now in charge of the hydrographical parties, and four from among the principal officers of the corps of topographical engineers; none of whom shall receive any additional compensation whatever for this service, and who shall sit as soon as organized. And the President of the United States shall adopt and carry into effect the plan of said board, as agreed upon by a majority of its members; and the plan of said board shall cause to be employed as many officers of the army and navy of the United States as will be compatible with the successful prosecution of the work; the officers of the navy to be employed on the hydrographical parts, and

Employment of  
army and navy of-  
ficers.

\* Plan for the reorganization of the survey of the coast, as adopted by a board convened on the 20th March, 1843, by direction of the President of the United States, in compliance with a proviso in the bill making an appropriation for the civil and diplomatic expenses of the government, passed March 3, 1843.

8. The chiefs of the hydrographical parties shall be appointed by the Navy Department, upon the personal nomination of the department having charge of the work, from among such officers as can be assigned to the service; and they will, as often as may be necessary, report to the department having charge of the work the number and grades of such naval officers, petty officers, and men, as may be required to fill the subordinate stations of the work, who shall, upon the application of the department having charge of the work, be supplied by the Navy Department.

16. Officers of the army and navy detailed in charge of parties on the coast survey shall not be relieved therefrom, unless under a pressing exigency for their services nor without notice to the department having charge of the work.

20. All vacancies which may occur hereafter in the scientific department of the coast survey shall be supplied from the army, if having reference to the operations upon land; and from the navy, if in reference to the operations upon the water; and applications shall be immediately addressed to that effect to the department having charge of the work; which department shall thereupon address an application for the necessary detail to fill the vacancy to the Secretary of War, or to the Secretary of the Navy, as the case may be.

21. That such proportion of sail and steam vessels be employed upon the hydrographical parts of the work as may, in the opinion of the department having charge of the work, be best calculated to advance the progress and economy of the survey.

The President approves the foregoing plan of reorganizing the mode of executing the coast survey, with this expression of his construction of so much of the 8th article as relates to the appointment of the chiefs of the hydrographical parties, and the same is to be understood and executed accordingly, viz: That the Secretary of the Navy shall assign such officers of the navy as he shall see fit, to be the chiefs of the hydrographical parties, when so requested by the Treasury Department; which officers are not by such appointment to be considered as permanently attached to that service, but liable at any time to be substituted by others, at the discretion of the Secretary of the Navy.

The charge of the survey of the coast is continued in the Treasury Department, and is to be under its control; and the Secretary of the Treasury will be the medium of communication with the persons employed in the survey, to whom all reports will be made, and from whom all directions on the subject will be received.

JOHN TYLER.

APRIL 29, 1843.

the officers of the army on the topographical parts of the work; and no officer of the army or navy shall hereafter receive any extra pay out of this or any future appropriations for surveys.

\* \* \* \* \*

Approved March 3, 1843. (Vol. 5, p. 640.)

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AN ACT to provide for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue.

No exchange of funds except for gold and silver.

Disbursing officers when furnished with gold and silver to make disbursements accordingly.

When furnished in drafts, course to be pursued.

Persons violating this section to be reported to the President.

\* \* \* \* \*

SEC. 20. *And be it further enacted,* That no exchange of funds shall be made by any disbursing officers or agents of the government, of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold and silver; and every such disbursing officer, when the means for his disbursements are furnished to him in gold and silver, shall make his payments in the money so furnished; or when those means are furnished to him in drafts, shall cause those drafts to be presented at their place of payment, and properly paid according to the law, and shall make his payments in the money so received for the drafts furnished, unless in either case he can exchange the means in his hands for gold and silver at par. And it shall be, and is hereby, made the duty of the head of the proper department immediately to suspend from duty any disbursing officer who shall violate the provisions of this section, and forthwith to report the name of the officer or agent to the President, with the fact of the violation and all the circumstances accompanying the same and within the knowledge of the said Secretary, to the end that such officer or agent may be promptly removed from office, or restored to his trust and the performance of his duties, as to the President may seem just and proper.

\* \* \* \* \*

Approved August 6, 1846. (Vol. 9, p. 64.)

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AN ACT making appropriations for the payment of revolutionary and other pensioners of the United States for the fiscal year ending on the thirtieth of June, one thousand eight hundred and forty-five.

No pension to a widow for a time her husband received one.

Pension and pay not to be drawn at same time, except, &c.

\* \* \* \* \*

*Be it enacted, &c.,* \* \* \* *Provided,* That no pension shall be hereafter granted to a widow for the same time that her husband received one: *And provided, also,* That no person in the army, navy, or marine corps shall be allowed to draw both a pension as an invalid and the pay of his rank or station in the service, unless the alleged disability for which the pension was granted be such as to have occasioned his

employment in a lower grade, or in some civil branch of the service.\*

Approved April 30, 1844. (Vol. 5, p. 656.)

AN ACT making appropriations for the naval service for the fiscal year ending the thirtieth day of June, eighteen hundred and forty-five.

*Be it enacted, &c.,* \* \* \* and it is hereby directed that the Secretary of the Navy shall order a competent commissioned or warrant officer of the navy to take charge of the naval stores for foreign squadrons, in the place of naval storekeepers, at each of the foreign ports where said stores may be deposited, and where a storekeeper is necessary: *Provided*, That said officers shall be required to give a bond, in such amount as may be fixed by the Secretary of the Navy, for the faithful performance of his duty: *And provided also*, That the annual compensation for all his services, except travelling, shall not exceed fifteen hundred dollars.

Competent commissioned or warrant officers to take charge of naval stores for foreign squadrons.

May be required to give bond.

Compensation.

SEC. 4. *And be it further enacted, &c.,* \* \* \* that no person shall be employed or continued abroad to receive and pay money for the use of the naval service on foreign stations, whether under contract or otherwise, or to perform the duties usually performed by navy agents, who has not been or shall not be appointed by and with the advice and consent of the Senate.

Persons performing the duties of navy ag't abroad, &c., to be confirmed by the Senate.

\* \* \* \* \*

Approved June 17, 1844. (Vol. 5, p. 699.)

AN ACT making appropriations for the civil and diplomatic expenses of government for the fiscal year ending the thirtieth day of June, eighteen hundred and forty-five, and for other purposes.

SEC. 1. For survey of the coast: *Provided*, That officers of the army and navy shall, as far as practicable, be employed in the work whenever and in the manner required by the department having charge thereof.

Employment of army and navy officers in surveying the coast.

SEC. 2. *And be it further enacted*, That whenever, hereafter, in submitting to Congress the annual estimates from the several executive departments of the government, it shall be found that the usual items of such estimates vary materially in amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the year next preceding, and whenever

Estimates to be accompanied with explanations, plans, &c.

\* Not to be construed as to exclude officers, seamen, or marines from their pensions when disabled for sea service: *Provided*, That the whole amount received by the pensioner, including pay for his service and pensions, shall not exceed his lowest duty pay.—(Act of August 11, 1848.)

† Citizens may be appointed to take charge of stores on foreign stations.—(Act of March 3, 1847.)

Estimates to be accompanied with plans, &c.

new items not theretofore usual shall be introduced into such estimates for any year, the estimates shall be accompanied by minute and full explanations from the head of the appropriate department, of all such variations and new items, setting forth the reasons and grounds upon which the amounts are required, and the different items added; and whenever any such estimate, whether annual or special, shall ask an appropriation for any new specific expenditure, such as the construction of a fort, the erection of a custom-house, or other public building, or the construction of any other public work requiring a plan before the building or work can be properly completed, every such estimate shall be accompanied by a full plan and detailed estimates of the cost of the whole work; and all subsequent estimates for every such work shall give the original estimated cost, the aggregate amount theretofore appropriated for the same, and the amount actually expended thereupon, as well as the amount asked for the current year for which such estimates shall be made; and whenever any such subsequent estimate shall ask for an appropriation for any such work beyond the original estimate of the cost, the full reasons for the excess, and the extent of the anticipated excess, shall be also stated.

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Approved June 17, 1844. (Vol. 5, p. 681.)

AN ACT making appropriations for the naval service for the year ending the thirtieth of June, eighteen hundred and forty-six.

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Naval constructors; duty and travelling expenses.

SEC. 2. *Be it further enacted*, That naval constructors may be required to perform duty at any navy yard or other station; and, when so ordered, shall be entitled to the same allowance for travel which is made to officers of the navy.

Procurement of ordnance, gunpowder, medicines, or supplies for vessels on foreign stations.

SEC. 3. *Be it further enacted*, That so much of the proviso to the act of third March, eighteen hundred and forty-three, entitled "An act making appropriations for the naval service for the half-calendar year beginning the first of January and ending the thirtieth day of June, eighteen hundred and forty-three, and for the fiscal year beginning the first of July, eighteen hundred and forty-three, and ending the thirtieth day of June, eighteen hundred and forty-four," as requires that provisions, and all other materials of every name and nature, for the use of the navy, to be furnished by contract, with the lowest bidder, after advertisement, shall be, and the same is hereby, so far modified that it shall not apply to ordnance, gunpowder, medicines, or the supplies which it may be necessary to purchase out of the United States for vessels on foreign stations.

SEC. 7. *Be it further enacted*, That \* \* \* chief engineers of the navy shall be appointed by the President, by and with the advice and consent of the Senate. Appointment of chief engineers.

SEC. 9. *Be it further enacted*, That the term "persons," mentioned in the second and third sections of an act passed March second, one thousand eight hundred and thirty-seven, entitled "An act to provide for the enlistment of boys for the naval service, and to extend the term of enlistment of seamen," shall be construed to include marines. The term "persons," mentioned in a certain act to include marines.

SEC. 12. *Be it further enacted*, That in all cases where proposals for any contract, or contracts, to be made by any of the executive departments or bureaus, and in all cases where notices of any description, issuing from the same, are now required by law to be advertised, the same shall be advertised by publication in the two newspapers, in the city of Washington, having the largest permanent subscription, and, at the discretion of the Executive, in any third paper that may be published in said city: *Provided*, That the charges for such publications shall not be higher than such as are paid by individuals for advertising in said papers: *And provided also*, That the same publications shall be made in each of said papers equally as to frequency. Advertisements for proposals; how to be published.

Approved March 3, 1845. (Vol. 5, p. 790.)

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AN ACT to amend the act entitled "An act to provide for the enlistment of boys for the naval service, and to extend the term of enlistment of seamen."

\* \* \* \* \*

SEC. 2. *Be it further enacted*, That the commanding officer of any vessel, squadron, or fleet of the navy of the United States, when upon the high seas or in any foreign port where there is no resident consul of the United States, shall be, and is hereby, authorized and empowered to exercise all the powers of a consul in relation to mariners of the United States. Commanding officers of the navy authorized to exercise consular powers in certain cases.

Approved February 20, 1845. (Vol. 5, p. 725.)

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AN ACT in relation to the payment of claims.

*Be it enacted*, That whenever a claim on the United States aforesaid shall hereafter have been allowed by a resolution or act of Congress and thereby directed to be paid, the money shall not, nor shall any part thereof, be paid to any person or persons other than the claimant or claimants, his or their executor or executors, administrator or administrators, unless such person or persons shall produce to the proper disbursing Payment of claims on the United States.

Warrant of attorney to be produced by other persons than claimants. officer a warrant of attorney, executed by such claimant or claimants, executor or executors, administrator or administrators, after the enactment of the resolution or act allowing the claim; and every such warrant of attorney shall refer to such resolution or act, and expressly recite the amount allowed thereby, and shall be attested by two competent witnesses and be acknowledged by the person or persons executing it, before an officer having authority to take the acknowledgment of deeds, who shall certify such acknowledgment; and it shall appear by such certificate that such officer, at the time of the making of such acknowledgment, read and fully explained such warrant of attorney to the person or persons acknowledging the same.\*

Approved July 29, 1846. (Vol. 9, p. 41.)

AN ACT reducing the duty on imports, and for other purposes.

Persons in the naval service not to import in vessels of the United States articles subject to duty.

SEC. 10. *And be it further enacted*, That no officer, or other person connected with the navy of the United States, shall, under any pretence, import in any ship or vessel of the United States any goods, wares, or merchandise liable to the payment of any duty.

Approved July 30, 1846. (Vol. 9, p. 44.)

AN ACT making appropriations for the naval service for the year ending June thirtieth, one thousand eight hundred and forty-seven.

Secretary of the Navy may discontinue certain civil officers.

*Provided*, That the Secretary of the Navy be, and he is hereby, authorized, when, in his opinion, the public interest will permit it, to discontinue any of the civil officers † and employments herein provided for at the navy yards, or to discharge the keepers of magazines and to require their duties to be performed by gunners.

No payments by virtue of a commission of brigadier general by brevet.

*Marine Corps.—Provided*, That no payment shall hereafter be made to the colonel, or any other officer of said corps, by virtue of a commission of brigadier general by brevet.

Proposals for naval supplies to be accompanied by a written guarantee, &c.

SEC. 6. *And be it further enacted*, That, from and after the passage of this act, every proposal for naval supplies invited by the Secretary of the Navy, under the proviso to the gen-

\* The provisions of this act apply and extend to all claims against the United States, whether allowed by special acts of Congress or arising under general laws or treaties, or in any other manner whatever.—(Act of February 26, 1853, 10 Stat., 170.)

† Naval constructors, inspectors, storekeepers, &c.

eral appropriation bill for the navy, approved March third, eighteen hundred and forty-three, shall be accompanied by a written guaranty, signed by one or more responsible persons, to the effect that he or they undertake that the bidder or bidders will, if his or their bid be accepted, enter into an obligation in such time as may be prescribed by the Secretary of the Navy, with good and sufficient sureties, to furnish the supplies proposed. No proposal shall be considered unless accompanied by such guaranty. If, after the acceptance of a proposal, and a notification thereof to the bidder or bidders, he or they shall fail to enter into an obligation within the time prescribed by the Secretary of the Navy, with good and sufficient sureties for furnishing the supplies, then the Secretary of the Navy shall proceed to contract with some other person or persons for furnishing the said supplies; and shall forthwith cause the difference between the amount contained in the proposal so guaranteed and the amount for which he may have contracted for furnishing the said supplies, for the whole period of the proposal, to be charged up against said bidder or bidders, and his or their guarantor or guarantors; and the same may be immediately recovered by the United States, for the use of the Navy Department, in an action of debt against either or all of said persons.

Proceedings in case of refusal of bidders to enter into obligation to fulfil contract.

Approved August 10, 1846. (Vol. 9, p. 97.)

AN ACT for the increase of the marine corps of the United States.

SEC. 3. *And be it further enacted*, That the provisions of an act passed the thirtieth of June, eighteen hundred and thirty-four, entitled "An act for the better organization of the United States marine corps," be, and the same are hereby, made applicable, in all respects, to the provisions of this act: *Provided, however*, That, notwithstanding anything in said act to the contrary, the staff of the marine corps be, and the same is hereby, separated from the line of said corps, the officers of the former to receive the same pay and emoluments they now receive by law, and to hold the same assimilated rank, to wit: quartermasters, paymasters, and adjutants, and inspectors, the rank of major, and assistant quartermasters the rank of captain.

Staff of the marine corps separated from the line.

Pay and rank of staff officers.

Approved March 2, 1847. (Vol. 9, p. 154.)

AN ACT making appropriations for the naval service for the year ending the thirtieth June, one thousand eight hundred and forty-eight.

*Be it enacted, &c.*, That, from and after the passage of this act, all moneys derived from the sale of all stores and other

Moneys from sale of articles belonging to the navy to



revert to the appropriation from which such articles were purchased.

Transfers from the appropriation for "clothing for the navy" unlawful, except in adjusting accounts.

Act limit'g number of officers not to apply to boatswains, gunners, carpenters, and sailmakers.

Contracts for butter, cheese, and articles contraband of war—how made.

Citizens may be appointed to take charge of stores on foreign stations.

Compensation.  
Bonds.

articles belonging to the navy shall revert to that appropriation from which such stores and other articles were originally purchased, \* \* \* and it shall not be lawful hereafter to make transfers from the clothing fund, or the head of the appropriation for "clothing for the navy," to any other head of appropriation, except in the adjustment of the accounts of disbursing officers, at the office of the Fourth Auditor of the Treasury. \* \* \*

That the first section\* of the act of fourth of August, eighteen hundred and forty-two, entitled "An act making appropriations for the naval service for the year one thousand eight hundred and forty-two," shall not be construed as applying to the appointment of boatswains, gunners, carpenters, and sailmakers.

SEC. 2. *And be it further enacted,* That so much of the proviso of the act of third of March, eighteen hundred and forty-three, entitled "An act making appropriations for the naval service for the half calendar year beginning the first of January and ending the thirtieth day of June, eighteen hundred and forty-four," as requires that provisions and all other materials of every name and nature, for the use of the navy, be furnished by contract with the lowest bidder, after advertisement, shall be, and the same is hereby, so far modified that it shall not apply to butter or cheese destined for the use of our navy, or things contraband of war. And it shall be lawful that contracts for those articles for the use of the navy be made, as heretofore, for periods longer than one year, if, in the opinion of the Secretary of the Navy, economy and the quality of the ration will be promoted thereby.

SEC. 3. *And be it further enacted,* That the act of June seventeen, eighteen hundred and forty-four, entitled "An act making appropriations for the naval service for the fiscal year ending the thirtieth day of June, eighteen hundred and forty five," which directs "that the Secretary of the Navy shall order a competent commissioned or warrant officer of the navy to take charge of the naval stores for foreign squadrons, in place of naval storekeepers, at each of the foreign ports where said stores may be deposited, and where a storekeeper is necessary," be, and the same is hereby, so far modified as to authorize the selection and appointment of citizens other than naval officers to be storekeepers on foreign stations, when suitable naval officers cannot be ordered on such service, or when, in the opinion of the Secretary of the Navy, the public interest will be promoted thereby. Persons so selected and appointed to receive the same compensation as now allowed, and to enter into bond, with security, as is required by law of officers of the navy performing said service.

\* This section limited the number of officers in the navy, until Congress should otherwise order, to the number in the respective grades that were in service on the 1st day of January, 1842.

SEC. 4. *And be it further enacted*, That the pay of firemen and coal-heavers employed in the naval service shall hereafter be fixed by the President of the United States, in the same manner as is now provided by law for the pay of other petty officers, and of seamen, ordinary seamen, and marines.

President to fix pay of firemen and coal-heavers.

\* \* \* \*

SEC. 6. *And be it further enacted*, That in every case of the loss or capture of a vessel belonging to the navy of the United States, the accounting officers of the treasury, under the direction of the Secretary of the Navy, shall be, and they are hereby, authorized, in the settlement of the accounts of the purser of such vessel, to credit him with such portion of the amount of the provisions, clothing, small stores, and money, with which he stands charged on the books of the Fourth Auditor of the Treasury, as they shall be satisfied was inevitably lost by such capture, or loss of a public vessel; and such purser shall be fully exonerated by such credit from all liability on account of the provisions, clothing, small stores, and money, so proved to have been captured or lost.

Settlement of the accounts of pursers of lost or captured vessels.

Approved March 3, 1847. (Vol. 9, p. 169.)

AN ACT to provide for the punishment of piracy in certain cases.

*Be it enacted, &c.*, That any subject or citizen of any foreign state, who shall be found and taken on the sea, making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the state of which such person is a citizen or subject, when by such treaty such acts of such persons are declared to be piracy, may be arraigned, tried, convicted, and punished before any circuit court of the United States for the district into which such person may be brought, or shall be found, in the same manner as other persons charged with piracy may be arraigned, tried, convicted, and punished in said courts.

When subjects or citizens of foreign states may be declared pirates

Approved March 3, 1847. (Vol. 9, p. 175.)

AN ACT making appropriations for the naval service for the year ending the thirtieth June, one thousand eight hundred and forty-nine.

\* \* \* \*

SEC. 6. That when any master in the navy, or *passed midshipman*,\* holding an acting appointment as master from the Secretary of the Navy, has performed, or shall hereafter perform, the duty of a lieutenant, under an order of the commander of the vessel to which he was or shall be at the time attached, to supply a deficiency in the established comple-

Masters or passed midshipmen performing the duty of a lieutenant to be allowed the pay of a master, &c.

\* Grade of passed midshipman since abolished.

ment of lieutenants of said vessels, whether belonging to a squadron or on separate service, which order shall have been subsequently approved by the Secretary of the Navy, [he] shall be allowed the pay of a master for the period or periods during which he shall have performed such duty.

Professors of mathematics; number, appointment, and duties.

SEC. 12. That the number of professors of mathematics in the navy shall not exceed twelve;\* that they shall be appointed and commissioned by the President of the United States, by and with the advice and consent of the Senate, and shall perform such duties as may be assigned them by order of the Secretary of the Navy, at the Naval School, the Observatory, and on board ships-of-war, in instructing the midshipmen of the navy, or otherwise.

Provision for persons in the naval service or marine corps who shall become insane.

SEC. 13. That the Secretary of the Navy be, and he is hereby, authorized to cause persons in the naval service or marine corps, who shall become insane while in the service, to be placed in such lunatic hospital as in his opinion will be most convenient and best calculated to promise a restoration of reason; and that in addition to the pay which may from time to time be due to such person, he may, from the annual appropriation for the naval service, under the head of contingent enumerated, pay any deficiency of a reasonable expense; provided, that in each case it does not exceed one hundred dollars per annum.

Approved August 3, 1848. (Vol. 9, p. 266.)

JOINT RESOLUTION concerning certain portions of the marine and ordnance corps.

Bounty land to officers, privates, and musicians of marine corps, &c.

1. That the officers, non-commissioned officers, privates, and musicians of the marine corps, who have served with the army in the war with Mexico, and also the artificers and laborers of the ordnance corps serving in said war, be placed, in all respects, as to bounty land and other remuneration, in addition to ordinary pay, on a footing with the officers, non-commissioned officers, privates, and musicians of the army: *Provided*, That this remuneration shall be in lieu of prize money and all other extra allowances.

Bounty to non-commissioned officers on re-enlisting.

2 That the non-commissioned officers of the marine corps shall be entitled to the same bounty for re-enlistment as is now or may hereafter be received by the non-commissioned officers of the army.

Approved August 10, 1848. (Vol. 9, p. 340.)

\* Three additional professors authorized, viz: a professor of ethics and English studies, a professor of Spanish, and a professor of drawing, at the Naval Academy. Act of May 21, 1864.

† See acts establishing Government Hospital for the Insane, the admission of insane persons of the navy thereto, and providing for their comfort.—March 3, 1855; June 1, 1860; and July 2, 1864.

AN ACT renewing certain naval pensions, and extending the benefits of existing laws respecting naval pensions, to engineers, firemen, and coal-heavers in the navy, and to their widows.\*

*Be it enacted, &c.,* That all those widows and such child or children as are now receiving a pension under any of the laws of Congress passed prior to the first of August, eighteen hundred and forty-one, (excepting the law passed the third of March, eighteen hundred and thirty-seven,) and those widows and children who have received pensions at any time within five years prior to the passage of this act, may and shall continue to receive the same amount as they have received under any special act, from the time such special act expired: *Provided,* Such act ceased on or after the first day of September, eighteen hundred and forty-five, or may hereafter terminate. And all such pensions as are now in force, and such as are renewed by this act, shall be paid out of any money in the treasury not otherwise appropriated, so long as the said widows shall live as widows; and in case of the death, before or after the passage of this act, of the widows, to the orphan child or children of the deceased parties, until they respectively arrive at the age of sixteen years; and to the child or children of said widows in case of marriage by said widows, until said child or children shall respectively arrive at the age of sixteen years; and that the act† approved thirtieth April, eighteen hundred and forty-four, shall not be so construed as to exclude officers, seamen, or marines from their pensions when disabled for sea service: *Provided,* That the whole amount received by the pensioner, including pay for his service and pension, shall not exceed his lowest duty pay. That the orphan child or children of the deceased parties shall have a pension in case the widow has died after drawing a five years' pension, to commence at the time when the widow dies, and to continue until the child or children shall respectively reach the age of sixteen years; and that any casualty by which an officer, seaman, or marine has lost or may lose his life while in the line of his duty, shall be considered sufficient to entitle the widow, child or children to all the benefits of this act.

Renewal of pensions to widows and children.

Construction of act of April 30, 1844.

[SEC. 2 fixes the pensions of engineers, firemen, and coal-heavers, and is supplied by the act of July 14, 1862.]

SEC. 3. *And be it further enacted,* That the amount of pension in every case arising under this law is not to exceed the half-pay of the deceased officer, seaman, or marine as it existed in January, 1835, or such rate of pension as is allowed by this act.

Rate of pension not to exceed half pay.

Approved August 11, 1848. (Vol. 9, p. 282.)

\* See act of July 14, 1862, and supplementary acts of July 4, 1864, and March 3, 1865, in reference to pensions to persons disabled and dying in the service, from wounds received or disease contracted therein, subsequent to March 4, 1861.

† *Ante*, page 60.

AN ACT for authenticating certain records.

Certified copies from records of the departments to have full force in law.

SEC. 3. *And be it further enacted*, That all books, papers, documents, and records, in the War, Navy, Treasury, and Post Office Departments, and the Attorney General's office, may be copied and certified under seal in the same manner as those in the State Department may now by law be,\* and with the same force and effect, and the said Attorney General shall cause a seal to be made and provided for his office, with such device as the President of the United States shall approve.

Approved February 22, 1849. (Vol. 9, p. 346.)

AN ACT making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and fifty.

Secretary of the Navy may cause any nautic'l works to be sold, &c.

*Provided*, \* \* \* that the Secretary of the Navy may, when in his opinion the interest of navigation would be promoted thereby, cause any nautical works that may, from time to time, be published by the hydrographical office, to be sold at cost, and the proceeds arising therefrom to be placed in the treasury of the United States.

Marines may be substituted for landmen in the navy.

MARINE CORPS.—*Provided*, That the President of the United States may substitute marines for landmen in the navy, as far as he may deem it expedient to promote the efficiency of the service.

Retention of pay of musicians and privates of marine corps.

SEC. 5. *And be it further enacted*, That the retention of one dollar per month from the pay of the musicians and privates of the marine corps, directed by the act of second of March, eighteen hundred and thirty-three,† be extended, as in the case of the musicians and privates of the army, to the whole term of their enlistment.

Approved March 3, 1849. (Vol. 9, p. 374.)

AN ACT making appropriations for the civil and diplomatic expenses of the government for the year ending thirtieth June, one thousand eight hundred and fifty, and for other purposes.

No person to receive salary for performing duties of any Secretary, &c.

SEC. 4. *And be it further enacted*, That no clerk or other officer shall receive the salary of any Secretary or head of bureau for acting or having acted in his place or office while said Secretary or head of bureau receives such salary.

Approved March 3, 1849. (Vol. 9, p. 370.)

‡ \* The 5th section of the act of September 15, 1789, (1 Stat., 68,) directs a seal of office to be made for the State Department, and all copies of records and papers in the said office, authenticated under the said seal, shall be evidence equally as the original record or paper.

† This act provided that one dollar of the monthly pay of every musician and private soldier be retained until the expiration of the first two years of their enlistment, when each should receive the retained pay which had so accrued, provided he shall have served honestly and faithfully that portion of the term of his first enlistment.—(4 Stat., 647.)

JOINT RESOLUTION for the relief of pursers in the navy as to expenditures made in pursuance of orders during the war with Mexico, and for other purposes.

\* \* \* \* \*

SEC. 2. *And be it further resolved*, That every disbursement of public moneys, or disposal of public stores, made by order of any commanding officer of the navy, which shall be objected to by the accounting officers of the treasury in the settlement of the accounts of any disbursing officer, shall nevertheless be allowed to such disbursing officer; and the commanding officer by whose order such disbursement or disposal was made shall be held accountable for the same: *Provided*, That satisfactory evidence of such order, and of the payment of public moneys or disposal of public stores under the same, shall be produced.\*

Disbursements of public money by order of commanding officer.

Approved March 3, 1849. (Vol. 9, p. 419.)

AN ACT making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and fifty-one.

SEC. 1. \* \* \* And that hereafter such advertisements† shall be made for a period of not less than five days:

Transportation advertisements.

*Provided*, That flogging in the navy, and on board vessels of commerce, be, and the same is hereby, abolished from and after the passage of this act.

Flogging abolished in the navy.

\* \* \* \* \*

*Provided*, That hereafter the meridian of the observatory at Washington shall be adopted and used as the American meridian for all astronomical purposes, and that the meridian of Greenwich shall be adopted for all nautical purposes.

Meridians for astronomical and nautical purposes.

And the Secretary of the Navy is hereby directed, in making contracts and purchases of articles for naval purposes, to give the preference, all other things (including price and quality) being equal, to articles of the growth, production, and manufacture of the United States; and that in the article of fuel for the navy, or naval stations and yards, the Secretary of the Navy shall have power to discriminate and purchase, in such manner as he may deem proper, that kind of fuel which is best adapted to the purpose for which it is to be used.

In contracts and purchases preference to be given to articles of American growth.

Purchase of fuel for the navy.

\* This resolution does not repeal or modify the laws of January 31, 1823, and August 26, 1842, respecting advances and loans, and does not authorize an advance of public moneys by the paymaster to the commanding officer, or to any other person on his order. The disbursement presupposes an indebtedness, and whether the objects for which the indebtedness accrued were sanctioned or not by law or regulation, the paymaster would be entitled to a credit for payment therefor, when made by order of the commanding officer. But the disbursement must be for some service rendered or article furnished.—(Navy Department circular of March 20, 1855.)

† For proposals for transportation for supplies for the use of the navy, under act of March 3, 1843.

Pay of the superintendent of the naval school.

And the pay of the superintendent of the naval school at Annapolis shall be at the rate allowed to an officer of his rank when in service at sea.

Approved September 28, 1850. (Vol. 9, p. 513.)

AN ACT making appropriations for the civil and diplomatic expenses of the government for the year ending June thirty, one thousand eight hundred and fifty-one, and for other purposes.

One individual not to receive salaries of two different offices.

*Be it enacted, &c., \* \* \* Provided, however, That* hereafter the proper accounting officers of the treasury, or other pay officers of the United States, shall in no case allow any pay to one individual the salaries of two different offices on account of having performed the duties thereof at the same time. But this prohibition shall not extend to the superintendents of the executive buildings.

Approved September 30, 1850. (Vol. 9, p. 542.)

AN ACT making appropriations for the naval service for the year ending the thirtieth June, one thousand eight hundred and fifty-two.

To whom rations shall not be allowed.

*Be it further enacted, That* \* \* \* no person not actually attached to, and doing duty on board a sea-going or receiving vessel, and the petty officers, seamen, and ordinary seamen attached to the ordinary of the navy yards, shall be allowed a ration. *And provided, further,*

Rations stopped for the sick.

That no rations stopped for the sick on board vessels shall be credited to the hospital fund, but shall remain and be accounted for by the purser as a part of the provisions of the vessels, and that the rations of officers and others of the navy, sent to hospitals on shore, shall be credited to the hospital fund at the cost only thereof; and the chief of the Bureau of Provisions and Clothing, with the approbation of the Secretary of the Navy, shall prescribe all such regulations in relation to stopping such rations as will insure a faithful accountability for the rations stopped for the sick on board vessels, and to insure due credit to the hospital fund for the rations at cost of those sent to the hospitals on shore. \* \* \*

Regulations in relation to stopped rations to be prescribed.

Purchase of American hemp in open market.

*Provided, That* the Secretary of the Navy shall hereafter purchase for the use of the navy, in open market, if to be procured, American hemp of a quality equal to the best foreign article.\*

Examination of engineers.

SEC. 3. *And be it further enacted, That* if any assistant engineer shall have been absent from the United States on duty

\*The act of June 12, 1858, forbids the purchase of any larger quantity of foreign hemp than is required to meet the supply of the American article, provided that hemp of American growth of like quality can be purchased at the same price as hemp of foreign growth.

at the time others of his date were examined, he shall, if not rejected at a subsequent examination, be entitled to the same rank with them;\* and if, from any cause, his relative rank cannot be assigned to him, he shall retain his original position on the register.

Approved March 3, 1851. (Vol. 9, p. 621.)

AN ACT to supply deficiencies in the appropriations for the service of the fiscal year ending thirtieth June, one thousand eight hundred and fifty-two.

*Provided*, That no officer of the United States, who is in attendance upon any court of the United States, in the discharge of the duties of said office, shall receive any pay or compensation for his attendance as a witness on behalf of the government at the same time that he receives compensation as such officer.

Public officers not to be paid as witnesses on behalf of the government.

Approved July 21, 1852. (Vol. 10, p. 22.)

AN ACT making appropriations for the civil and diplomatic expenses of the government for the year ending the thirtieth of June, eighteen hundred and fifty-three, and for other purposes.

SEC. 10. *And be it further enacted*, That where any moneys shall have remained unexpended upon any appropriations by law, other than for the payment of interest on the funded debt, or the payment of interest and reimbursement according to contract of any loan or loans made on account of the United States, as likewise moneys appropriated for a purpose in respect to which a larger duration is specially assigned by law, for more than two years after the expiration of the fiscal year in which the act shall have been passed, all and any such appropriations shall be deemed to have ceased and been determined, and the moneys so unexpended shall be immediately thereafter carried, under the direction of the Secretary of the Treasury, to the account on the books of the treasury denominated the "surplus fund," to remain like other unappropriated moneys in the treasury, and it shall not be lawful, for any cause or pretence whatsoever, to transfer, withdraw, apply, or use for any purpose whatever, any moneys carried aforesaid to the surplus fund without further and specific appropriations by law.

Unexpended balances on certain appropriations to be carried to the surplus fund.

Moneys so carried not to be applied to other purposes without further and specific appropriations by law.

SEC. 18. *And be it further enacted*, That no person hereafter who holds, or shall hold, any office under the government of the United States, whose salary or annual compensation

Officers with an annual salary of \$2,500 not to receive compensa-

\*The 16th section of the act of July 16, 1862, gives them the increased rate of pay from time they were entitled to examination.



tion for discharg- shall amount to the sum of two thousand five hundred dollars,  
ing duties of any shall receive compensation for discharging the duties of any  
other office. other office.

Approved August 31, 1852. (Vol. 10, p. 76.)

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AN ACT making appropriations for the civil and diplomatic expenses of the government for the year ending thirtieth June, one thousand eight hundred and fifty-three, and for other purposes.

Chiefs of bureaus not to publish their reports at public expense.

SEC. 8. *And be it further enacted,* That it shall not be lawful for the officer or person in charge of any bureau or office in any of the departments of the government to print, or cause to be printed, at the public expense, any report he may make to the President of the United States, or to the head of any of the departments.

Approved August 31, 1852. (Vol. 10, p. 98.)

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AN ACT making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and fifty-three.

SEC. 2. *And be it further enacted,* That all acts or parts of acts authorizing the President of the United States, or the Secretary of the proper department under his direction, to transfer any portion of the moneys appropriated for a particular branch of expenditure in that department, to be applied to another branch of expenditure in the same department, be, and are hereby, so far as relates to the Navy Department, repealed.

\* \* \* \* \*

Approved August 31, 1852. (Vol. 10, p. 104.)

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AN ACT to prevent frauds upon the treasury of the United States.

Transfer of claims on the United States—how and when legal.

*Be it enacted, &c.,* That all transfers and assignments hereafter made of any claim upon the United States, or any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or any part or share thereof, shall be absolutely null and void, unless the same shall be freely made and executed in the presence of at least two attesting witnesses, after the allowance of such claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof.

\* \* \* \* \*

Approved February 26, 1853. (Vol. 10, p. 170.)

AN ACT making appropriations for the civil and diplomatic expenses of the government for the year ending the thirtieth of June, eighteen hundred and fifty-four.

\* \* \* \* \*  
**SEC. 3.** *And be it further enacted,* That from and after the thirtieth of June, eighteen hundred and fifty-three, the clerks in the departments of the Treasury, War, Navy, the Interior, and the Post Office, shall be arranged into four classes.\*  
 \* \* \* \* \*

Clerks classified.

No clerk shall be appointed in either of the four classes until after he has been examined and found qualified by a board, to consist of three examiners, one of them to be the chief of the bureau or office into which he is to be appointed, and the two others to be selected by the head of the department to which the said clerk will be assigned. Nor shall any clerk in the departments herein named receive any other salary or money for extra services than the sum or sums specified in this section, at any time after this section has been executed by a classification of the clerks as it prescribes. There shall be a disbursing clerk for each of the departments of War, Navy, and the Post Office; not more than three for the Treasury Department, at the discretion of the Secretary thereof; and not more than three for the Department of the Interior, at the discretion of the Secretary thereof. The said clerks to be appointed out of class four by the heads of the respective departments, and to receive such sum, in addition to their regular salaries, as may amount in all to two thousand dollars per annum. But it shall be their further duty, when designated by the head of the department for that service, to superintend the buildings, and they shall give bonds as required by the independent treasury act.

Appointment of clerks.

No extra salaries to be paid.

Disburs'g cl'rks.

\* \* \* \* \*  
**SEC. 4.** *And be it further enacted,* That hereafter the annual compensation of the Vice President, Secretaries of State, Treasury, War, Navy, and Interior, and the Postmaster and Attorney General, shall be eight thousand dollars each.  
 \* \* \* \* \*

Comp'nation of heads of departments.

Approved March 3, 1853. (Vol. 10, p. 189.)

AN ACT making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and fifty-four.

*Be it enacted, &c.,* That \* \* \* the first and second clerks to the commandants of the principal navy yards, viz., Boston, New York, Washington, Norfolk, and Pensacola, \* \* \*

Pay of clerks at the navy yards.

\* Act of April 22, 1854, vol. 10, p. 276, fixed the salaries of these classes: 1st class \$1,200, 2d class \$1,400, 3d class \$1,600, 4th class \$1,800.

cola, shall receive the same pay that the two lowest classes of clerks in the bureaus of the Navy Department now received, respectively; \* and each "clerk of the yard" in said navy yards shall receive the same compensation as is herein provided for the first clerks to commandants.

\* \* \* \* \*

Approved March 3, 1853. (Vol. 10, p. 220.)

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AN ACT making appropriations for the civil and diplomatic expenses of government for the year ending thirtieth of June, eighteen hundred and fifty-five, and for other purposes.

SEC. 14. *And be it further enacted*, That whenever it shall become necessary for the head of any department or office to employ special agents other than officers of the army or navy, who may be charged with the disbursement of public moneys, they shall, prior to entering upon duty as such, give bond in such form and with such security as the head of the department or office employing said agent may approve.

Approved August 4, 1854. (Vol. 10, p. 573.)

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AN ACT to provide a more efficient discipline for the navy.

Honorable discharges to seamen as a testimonial of fidelity and obedience. *Be it enacted, &c.*, That, from and after the passage of this act, it shall be the duty of every commanding officer of any of the vessels of the navy, on returning from a cruise, to forward, immediately on his arrival in port, to the Secretary of the Navy, a list of the names of such of the crew† who enlisted for three years as, in his opinion, on being discharged, are entitled to an "honorable discharge," as a testimonial of fidelity and obedience; and that he shall grant the same to such, according to the form to be prescribed by the Secretary of the Navy.

Re-enlistments under an honorable discharge. SEC. 2. *And be it further enacted*, That if any seaman, ordinary seaman, landsman, or boy, shall re-enlist for three years, within three months after his discharge, he shall, on presenting his honorable discharge, or on accounting in a satisfactory manner for its loss, be entitled to pay during the said three months, equal to that to which he would have been entitled if he had been employed in actual service.

\* The two lowest classes of clerks in the bureaus were then receiving \$1,000 and \$800, respectively. A subsequent act gave 20 per cent. additional, thereby making the salary of the first clerk to commandants and the clerk of the yard \$1,200, and the salary of the second clerk \$960 at the principal yards named. The eighth section of the act of February 21, 1861, fixed the pay of the first clerk to commandants at all the yards, at \$1,200 per annum except in California, which was fixed at 1,500.

† By act of June 7, 1864, firemen and coal-heavers, who had been excluded from the benefits of this act, are to be entitled to honorable discharges.

SEC. 3. *And be it further enacted*, That it shall be the duty of commanders of any vessel in the navy, in granting temporary leave of absence and liberty on shore, to exercise carefully a discrimination in favor of the faithful and obedient.

Temporary leave of absence, or liberty on shore.

SEC. 4. *And be it further enacted*, That summary courts-martial may be ordered upon petty officers and persons of inferior ratings, by the commander of any vessel in the navy to which such persons belong, for the trial of offences which he may deem deserving of greater punishment than the commander of a vessel himself is by law authorized to inflict of his own authority, but not sufficient to require trial by general court-martial.

When and by whom summary courts-martial may be ordered.

SEC. 5. *And be it further enacted*, That summary courts-martial shall consist of three officers not below the rank of passed midshipmen, and of some competent person to act as recorder. Before proceeding to trial, the members shall take the following oath or affirmation, which the recorder is hereby authorized to administer: "You, A. B., do solemnly swear (or affirm) that you will well and truly try, without prejudice or partiality, the case now depending, according to the evidence which shall be adduced, the laws for the government of the navy, and your own conscience. So help you God."

Of whom they shall consist.

Oath for members.

After which, the recorder of the court shall take the following oath or affirmation, which the senior member of the court shall administer: "You, A. B., do solemnly swear (or affirm) that you will keep a true record of the evidence which may be given before this court, and of the proceedings thereof. So help you God."

Oath for the recorder.

SEC. 6. *And be it further enacted*, That the commander of a ship shall have authority to order any officer under his command to act as the recorder of a summary court-martial.

Who may be ordered to act as recorder.

SEC. 7. *And be it further enacted*, That all testimony given before such court shall be given orally, on oath or affirmation, which the senior member of the court shall administer.

Testimony—how to be given.

That summary courts-martial may sentence petty officers and persons of inferior ratings to any one of the following punishments, viz :

Punishment authorized.

*First.* Discharge from the service with bad conduct discharge, but the sentence not to be carried into effect in a foreign country.

Bad conduct—discharge.

*Second.* Solitary confinement in irons, single or double, on bread and water, or diminished rations, provided no such confinement shall exceed thirty days.

Solitary confinement.

*Third.* Solitary confinement in irons, single or double, not exceeding thirty days.

*Fourth.* Solitary confinement not exceeding thirty days.

*Fifth.* Confinement not exceeding two months.

*Sixth.* Reduction to next inferior rating.

Reduction of rating. Deprivation of liberty.

*Seventh.* Deprivation of liberty on shore on foreign station.

Extra duties and loss of pay.

*Eighth.* Extra police duties, and loss of pay, not to exceed three months, may be added to any of the above-mentioned punishments.

Sentence to require approval of officer ordering the court.

SEC. 8. *And be it further enacted,* That no sentence of a summary court-martial shall be carried into effect without the approval of the officer ordering the court; who shall have power to remit, in part or altogether, but not to commute any such sentence. And it shall be the duty of any such commanding officer to remit any part or the whole of any sentence by a summary court-martial, the execution of which would, in the opinion of the surgeon or senior medical officer on board, given in writing, produce serious injury to the health of the person sentenced; or, in case he shall refuse to do so, it shall be his duty, without delay, to submit the case again to the same or to another summary court-martial, which shall have power, upon the testimony already taken, to remit the former punishment, and to assign some other of the authorized punishments in the place thereof.

Remittance of sentence.

How proceedings of summary courts-martial are to be conducted, &c.

SEC. 9. *And be it further enacted,* That the proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President of the United States; and all such proceedings shall be transmitted, in the usual mode, to the Navy Department.

Punishments herein authorized may be inflicted by any general court-martial.

SEC. 10. *And be it further enacted,* That any punishments authorized by this act to be inflicted by a summary court-martial may likewise be inflicted by any general court-martial.

\* \* \* \* \*

Approved March 2, 1855. (Vol. 10, p. 627.)

AN ACT making appropriations for the naval service for the year ending the thirtieth of June, eighteen hundred and fifty-six.

Compensation of navy agents.

*Be it enacted, &c.,* That in lieu of two thousand dollars per annum, the maximum of compensation now allowed by law to navy agents, there shall be allowed two per centum commission on the first hundred thousand dollars, or under, disbursed by them; and one per centum on every succeeding one hundred thousand dollars, or under, disbursed by them, until the compensation reaches the sum of three thousand dollars per annum, which amount shall be the maximum of compensation for said agents: *Provided,* That the compensation named herein shall be in lieu of all extra compensation for services of every nature and description, rendered by navy agents, by order of the Navy Department, from and after the passage of this act: *And provided, further,* That nothing herein contained shall be construed to reduce the salary to which any navy agent is entitled under existing laws.

Approved March 3, 1855. (Vol. 10, p. 675.)

AN ACT making appropriations for the civil and diplomatic expenses of the government for the year ending thirtieth of June, eighteen hundred and fifty-six, and for other purposes.

SEC. 8. *And be it further enacted*, That the provisions contained in the second-section of the act entitled "An act making appropriations for the civil and diplomatic expenses of the government," approved the seventeenth day of June, eighteen hundred and forty-four, be required to be carried into effect in all particulars, any act in conflict therewith being hereby repealed; and all estimates for the compensation of officers of the government, authorized by law to be employed, shall be based upon the expressed provisions of law, and not upon the authority of executive distribution thereof; and the act and section authorizing the same, with the volume and page where such authority may be found, shall be cited in each and all estimates respectively.

Estimates for compensation of officers to be based upon expressed provisions of law.

\* \* \* \* \*  
Approved March 3, 1855. (Vol. 10, p. 670.)

AN ACT in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States.

*Be it enacted, &c.*, That \* \* \* every officer, commissioned and non-commissioned, seaman, ordinary seaman, flotilla-man, marine, clerk, and landsman in the navy, in any of the wars in which this country has been engaged since seventeen hundred and ninety, \* \* \* shall be entitled to receive a certificate or warrant from the Department of the Interior for one hundred and sixty acres of land; and where any of those who have so been mustered into service and paid shall have received a certificate or warrant, he shall be entitled to a certificate or warrant for such quantity of land as will make, in the whole, with what he may have heretofore received, one hundred and sixty acres to each such person having served as aforesaid: *Provided*, The person so having been in service shall not receive said land warrant if it shall appear by the muster-rolls of his regiment or corps that he deserted, or was dishonorably discharged from service. \* \* \*

Bounty land to persons who have been in any of the wars in which the United States have been engaged since 1790.

Deserters and persons dishonorably discharged excepted.

SEC. 2. *And be it further enacted*, That in case of the death of any person who, if living, would be entitled to a certificate or warrant as aforesaid under this act, leaving a widow, or, if no widow, a minor child or children, such widow, or, if no widow, such minor child or children, shall be entitled to receive a certificate or warrant for the same quantity of land that such deceased person would be entitled to receive under the provisions of this act, if now living: *Provided*, That a subsequent marriage shall not impair the right of any

In case of death widow or minor children to be entitled to certificate or warrant.

Proviso.

such widow to such warrant if she be a widow at the time of making her application: *And provided, further*, That those shall be considered minors who are so at the time this act shall take effect.

Cases in which certificate shall not issue.

SEC. 3. *And be it further enacted*, That in no case shall any such certificate or warrant be issued for any service less than fourteen days, except where the person shall actually have been engaged in battle, and unless the party claiming such certificate or warrant shall establish his or her right thereto by record evidence of said service.\*

Assignment, transfer, and location of warrants.

SEC. 4. *And be it further enacted*, That said certificates or warrants may be assigned, transferred, and located by the warrantees, their assignees, or their heirs-at-law, according to the provisions of existing laws regulating the assignment, transfer, and location of bounty land warrants.

Public lands on which the warrants may be located.

SEC. 5. *And be it further enacted*, That no warrant issued under the provisions of this act shall be located on any public lands, except such as shall at the time be subject to sale at either the minimum or lower graduated prices. \* \* \*

Approved March 3, 1855. (Vol. 10, p. 701.)

AN ACT making appropriations for the naval service for the year ending thirtieth of June, eighteen hundred and fifty-seven.

[Extract from section 1.]

Charts to be sold.

Instruments used to be of American manufacture.

For printing and publishing sailing directions, hydrographical surveys, and astronomical observations, \$15,000: *Provided*, That the charts shall be sold when completed, and the instruments used be of American manufacture.

Approved August 16, 1856. (Vol. 11, p. 47.)

AN ACT to amend an act entitled "An act to promote the efficiency of the navy."

Transfer of officers from the furlough to the reserved pay list.

SEC. 3. *And be it further enacted*, That \* \* \* the President shall be, and he is hereby, authorized, with the advice and consent of the Senate, to transfer any officer† from the furlough to the reserved pay list. \* \* \*

Promotion of officers on the reserved list.

SEC. 4. *And be it further enacted*, That reserved officers may be promoted on the reserved list, by and with the advice and consent of the Senate, but no such promotion shall entitle them to any pay beyond that to which they were entitled

Pay and rank.

\* Parol evidence, where no record evidence exists, may be admitted to prove the service performed, under such rules and regulations as the Commissioner of Pensions may prescribe.—Act of May 14, 1856, 3d section.—(11 Stat., 8.)

† Referring to officers who were placed on the reserved list, on furlough pay, under the act of February 23, 1855, to promote the efficiency of the navy.

when so reserved, nor shall they, by such promotion, take any higher rank than they would have taken had they been retained in the active service of the navy; and nothing in this act, or in the act to which this is an amendment, shall be so construed as to preclude officers on the reserved list from wearing the uniform of their grades, respectively.

Reserved officers to wear uniform of their grade.

Approved January 16, 1857. (Vol. 11, p. 153.)

AN ACT making appropriations for the naval service for the year ending the 30th of June, 1858.

SEC. 3. *And be it further enacted*, That hereafter it shall be lawful for the Secretary of the Navy to place the supervision of the compilation and publication of the Nautical Almanac in charge of any officer or professor of mathematics of the navy of competent qualifications: *Provided*, That such officer or professor, when so employed, shall receive no higher pay than the duty pay to which his grade shall entitle him.

To whom the supervision of the Nautical Almanac may be assigned.

Pay when so employed.

Approved March 3, 1857. (Vol. 11, p. 246.)

AN ACT to amend an act entitled "An act to provide for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue."

*Be it enacted, &c.*, That the act to provide for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue, approved August sixth, eighteen hundred and forty-six, be, and the same is hereby, so amended that each and every disbursing officer or agent of the United States, having any money of the United States intrusted to him for disbursement, shall be, and he is hereby, required to deposit the same with the Treasurer of the United States, or with some one of the assistant treasurers or public depositaries, and draw for the same only in favor of the persons to whom payment is to be made, in pursuance of law and instructions, except when payments are to be made in sums under twenty dollars, in which cases such disbursing agent may check in his own name, stating that it is to pay small claims.

Disbursing officers or agents to deposit public moneys with the Treasurer, assistant treasurers, or public depositaries of the U. States.

Manner of drawing for the same.

SEC. 2. *And be it further enacted*, That the Treasurer of the United States, assistant treasurers, and public depositaries shall safely keep all moneys deposited by any disbursing officer or disbursing agent of the United States, as well as any moneys deposited by any receiver, collector, or other person which shall be the moneys of or due or owing to the United States; and for a failure so to do shall be held guilty of the crime of embezzlement of said moneys, and subject to

Treasurer, assistant treasurers, and public depositaries to keep safely all such deposits, &c.

Penalty for failing to do so.



the punishment provided for embezzlement in the act to which this is an amendment.

Persons having moneys of the U. States in their hands to pay the same to the Treasurer, assistant treasurer, or public depository, &c.

SEC. 3. *And be it further enacted*, That it shall be the duty of each and every person who shall have moneys of the United States in his hands or possession to pay the same to the Treasurer, the Assistant Treasurer, or public depository of the United States, and take his receipt for the same, in duplicate, and forward one of them forthwith to the Secretary of the Treasury, and for a failure to make such deposit, when required by the Secretary of the Treasury or any other department, or the accounting officers of the treasury, the person so failing shall be held guilty of the crime of embezzlement, and subject to the punishment for that offence provided in the act to which this is an amendment.

Penalty for failing to do so.

Approved March 3, 1857. (Vol. 11, p. 249.)

AN ACT making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, one thousand eight hundred and fifty-four.

Taking false vouchers to be deemed embezzlement.

SEC. 4. *Be it further enacted*, That if any officer who is or may hereafter be charged with the payment of any of the appropriations made by this or any other act of Congress shall pay to any clerk or other employé of the United States a sum less than that provided by law, and require such employé to receipt or give voucher for an amount greater than that actually paid to and received by him, such officer thus acting shall be deemed guilty of embezzlement, shall be fined in a sum double the amount so withheld from any employé of the government, and shall be imprisoned for the term of two years, and may be prosecuted and punished in any court of the United States having jurisdiction for the trial of such offences in the district where such offence shall be committed.

Punishment.

Approved March 3, 1853. (Vol. 10, p. 239.)

AN ACT to organize an institution for the insane of the army and navy, and of the District of Columbia, in the said District.\*

Objects of the Hospital for the Insane.

*Be it enacted*, That the title of the institution shall be the Government Hospital for the Insane, and its objects shall be the most humane care and enlightened curative treatment of

\* The remaining sections of this act in force relate to the officers and management of the institution and the admission of residents of the District and private patients. Sec. 4, governing the admission of the insane of the army and navy, has been amended by section 4 of the amendatory act of June 1, 1860. A supplementary act of February 7, 1857, (vol. 11, page 157,) regulates the admission of certain classes of patients, but does not refer to the insane of the navy. The first section of the act of July 2, 1864, makes provision for the treatment and comfort of the insane of the navy and marine corps at this institution.

the insane of the army and navy of the United States, and of the District of Columbia.

\* \* \* \* \*

Approved March 3, 1855. (Vol. 10, p. 682.)

AN ACT for the relief of the widows and orphans of the officers, seamen, and marines of the United States sloop-of-war Albany, and for other purposes.

*Be it enacted, &c.*, That for the purpose of fixing the time Fixing date of foundering of the Albany and Porpoise. at which shall commence the pensions, under the existing laws, of the widows and orphan children of the officers, seamen, marines, and others, in service, who were lost in the United States sloop-of-war Albany, as well as the time to which the pay of said officers, seamen, marines, and others in service shall be allowed, the eighteenth day of April, one thousand eight hundred and fifty-five, shall be deemed and taken to be the day on which the said sloop-of-war Albany foundered at sea; and that, for the like purposes, the twenty-ninth day of June, one thousand eight hundred and fifty-five, shall be deemed and taken to be the day on which the United States brig Porpoise was lost in like manner.

SEC. 2. *Be it further enacted*, That the widow, or child, or children, and in case there be no widow, or child, or children, (as aforesaid,) then the parent or parents, and if there are no parents, the brothers and sisters, of the officers, seamen, marines, and others in service, who were lost in said sloop-of-war Albany and brig Porpoise, including captain's clerk and assistant draughtsman, shall be entitled to and receive, out of any money in the treasury not otherwise appropriated, a sum equal to twelve months' pay of their respective deceased relations aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessels respectively. A sum equal to twelve months' pay appropriated for relatives of those lost.

\* \* \* \* \*

Approved August 1, 1856. (Vol. 11, p. 29.)

AN ACT to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and fifty-eight.

SEC. 4. *And be it further enacted*, That whenever, hereafter, contracts shall be made by the Secretary of War or the Secretary of the Navy by virtue of the sixth section of the act approved the first of May, eighteen hundred and twenty, entitled "An act in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," he shall, if Congress be in session at the time, promptly report to both houses thereof the reasons for making Reasons for making certain contracts to be reported to Congress.

such contract, stating fully all the facts and circumstances which, in his judgment, rendered such contract necessary;\* if Congress be not in session at the time of making such contract, he shall, at the commencement of their next session, make such report to both houses, and no such contracts shall be made hereafter, except in cases of pressing exigency.

Approved May 4, 1858. (Vol. 11, p. 269.)

AN ACT making appropriations for the legislative, executive, and judicial expenses of government for the year ending the thirtieth of June, eighteen hundred and fifty-nine.

In the estimates amount of outstanding appropriations to be designated.

SEC. 2. *And be it further enacted*, That hereafter the estimates for the various executive departments shall designate not only the amount required to be appropriated for the next fiscal year, but also the amount of the outstanding appropriation, if there be any, which will probably be required to be used for each particular item of expenditure.

Approved June 2, 1858. (Vol. 11, p. 295.)

AN ACT making appropriations for the naval service for the year ending the thirtieth of June, eighteen hundred and fifty-nine.

When foreign hemp may be purchased.

\* \* \* \* \*  
*Provided*, That there shall not be purchased any larger quantity of hemp of foreign growth for the use of the navy than shall be required to meet the deficiency in the supply of the American article, as reported to the Navy Department, from quarter to quarter, by the agents appointed to procure the article of American growth: *Provided further*, That hemp of American growth of like quality can be purchased at the same price as hemp of foreign growth.

Enlistment of boys for the marine corps.

SEC. 3. *And be it further enacted*, That it shall be lawful to enlist boys for service in the United States marine corps, with the consent of their parents or guardians, not being under eleven nor over seventeen years of age, to serve until they shall arrive at the age of twenty-one years; the boys so enlisted to receive the same pay, rations, clothing, and so forth, now received by boys enlisted in said corps, under the authority of the Secretary of the Navy.

How the steamships of the navy shall be named.

\* \* \* \* \*  
 SEC. 5. *And be it further enacted*, That all the steamships off the navy of the United States now building, or hereafter to be built, shall be named by the Secretary of the Navy,

\* See tenth section of the act of March 2, 1861, in reference to contracts for supplies for the departments, and the thirteenth section of the act of July 17, 1862, requiring that contracts be reported promptly to Congress.

† An act of March 3, 1819, provided for the naming of ships of the navy.

under the direction of the President of the United States, according to the following rule, namely: All those of forty guns or more shall be considered of the first class,\* and shall be called after the States of the Union; those of twenty guns and under forty shall be considered as of the second class, and be called after the rivers and principal towns or cities; and all those of less than twenty guns shall be the third class, and named by the Secretary of the Navy as the President may direct, care being taken that no two vessels in the navy shall bear the same name.

\* \* \* \* \*

Approved June 12, 1858. (Vol. 11, p. 314.)

AN ACT to protect the timber growing upon lands of the United States reserved for military and other purposes.†

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any person or persons shall unlawfully cut, or aid, assist, or be employed in unlawfully cutting, or shall wantonly destroy, or procure to be wantonly destroyed, any timber standing, growing, or being upon any lands of the United States, which in pursuance of any law passed, or hereafter to be passed, have been, or shall be, reserved or purchased by the United States for military or other purposes, every such person or persons so offending, on conviction thereof before a court having competent jurisdiction, shall, for every such offence, pay a fine not exceeding five hundred dollars, and shall be imprisoned not exceeding twelve months.

Penalty for unlawfully cutting and destroying timber on public lands.

Approved March 3, 1859. (Vol. 11, p. 408.)

AN ACT making appropriations for the payment of invalid and other pensions of the United States for the year ending the thirtieth of June, eighteen hundred and sixty.

\* \* \* \* \*

SEC. 2. *And be it further enacted,* That in all cases of application for the payment of pensions to invalids under the several laws of Congress granting pensions to invalids, the affidavit of two surgeons or physicians‡ whose credibility as such shall be certified by the magistrate before whom the

Affidavits of physicians required in support of applications for payment of pensions.

\* By the third section of the act of July 16, 1862, the vessels are divided into four classes or rates, with reference to them as commands, and by regulation of the department the rates are established generally according to the tonnage of the vessel.

† See acts of March 1, 1817, and March 2, 1831.

‡ The biennial examinations may be made by one surgeon only, provided he is a surgeon of the army or navy, or an examining surgeon duly appointed by the Commissioner of Pensions.—(1st sec. act July 4, 1864.)

affidavit is made, stating the continuance of the disability for which the pension was originally granted (describing it) and the rate of such disability at the time of making the affidavit, shall accompany the application of the first payment, which shall fall due upon a day in the fiscal year for which provision is made herein, to be declared by the Secretary of the Interior, and at the end of every two years thereafter; and if in a case of continued disability it shall be stated at a rate below that for which the pension was originally granted, the applicant shall only be paid at the rate stated in the affidavit: *Provided*, That where the pension shall have been originally granted for a total disability, in consequence of the loss of a limb, or other cause which cannot, either in whole or in part, be removed, the above affidavit shall not be necessary to entitle the applicant to payment.

Approved March 3, 1859. (Vol. 11, p. 439.)

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AN ACT to amend an act entitled "An act to organize an institution for the insane of the army and navy, and of the District of Columbia, in the said District."

Admission of insane of navy, &c., into government asylum.

\* \* \* \* \*

SEC. 4. *And be it further enacted*, That the order of the Secretary of War, and that of the Secretary of the Navy, and that of the Secretary of the Treasury, shall authorize the superintendent to receive insane persons belonging to the army and navy and revenue cutter service, respectively, and keep them in custody until they are cured or removed by the same authority which ordered their reception.\*

Approved June 1, 1860. (Vol. 12, p. 23.)

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AN ACT to increase and regulate the pay of the navy of the United States.

*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 the annual pay of the officers of the navy, on the active list, hereinafter named, shall be as follows:

Chaplains.

\* \* \* \* \*

*Chaplains.*—Chaplains shall be paid as lieutenants.†  
Every chaplain shall be permitted to conduct public worship according to the manner and forms of the church of which he may be a member.

Every chaplain retained in the service shall be required to

\* See act of July 2, 1864, making provision for the treatment and comfort of the insane of the navy and marine corps at this institution.

† The act of July 16, 1862, establishes the pay of lieutenants.

report annually, to the Secretary of the Navy, the official services performed by him.

\* \* \* \* \*

*Surgeons*.—Every surgeon on duty at sea, for the first five years after the date of his commission as surgeon, two thousand two hundred dollars. Surgeons.

For the second five years after the date of his commission as surgeon, two thousand four hundred dollars.

For the third five years after the date of his commission as surgeon, two thousand six hundred dollars.

For the fourth five years after the date of his commission as surgeon, two thousand eight hundred dollars.

For twenty years and upwards after the date of his commission as surgeon, three thousand dollars.

Fleet surgeons, three thousand three hundred dollars.

Every surgeon on other duty, for the first five years after the date of his commission as surgeon, two thousand dollars.

For the second five years after the date of his commission as surgeon, two thousand two hundred dollars.

For the third five years after the date of his commission as surgeon, two thousand four hundred dollars.

For the fourth five years after the date of his commission as surgeon, two thousand six hundred dollars.

For twenty years after the date of his commission as surgeon, two thousand eight hundred dollars.

Every surgeon on leave or waiting orders, for the first five years after the date of his commission as surgeon, one thousand six hundred dollars.

For the second five years after the date of his commission as surgeon, one thousand eight hundred dollars.

For the third five years after the date of his commission as surgeon, one thousand nine hundred dollars.

For the fourth five years after the date of his commission as surgeon, two thousand one hundred dollars.

For twenty years and upwards after the date of his commission as surgeon, two thousand three hundred dollars.

*Passed Assistant Surgeons*.—Every passed assistant surgeon on duty at sea, one thousand five hundred dollars. Passed assistant surgeons.

When on other duty, one thousand four hundred dollars.

When on leave or waiting orders, eleven hundred dollars.

*Assistant Surgeons*.—Every assistant surgeon on duty at sea, one thousand two hundred and fifty dollars. Assistant surgeons.

When on other duty, one thousand and fifty dollars.

When on leave or waiting orders, eight hundred dollars.

*Pursers*.—Every purser on duty at sea, for the first five years after the date of his commission, two thousand dollars. Pursers.

For the second five years after the date of his commission, two thousand four hundred dollars.

For the third five years after the date of his commission, two thousand six hundred dollars.

For the fourth five years after the date of his commission, two thousand nine hundred dollars.

For twenty years and upwards after the date of his commission, three thousand one hundred dollars.

Every purser on other duty, for the first five years after the date of his commission, one thousand eight hundred dollars.

For the second five years after the date of his commission, two thousand one hundred dollars.

For the third five years after the date of his commission, two thousand four hundred dollars.

For the fourth five years after the date of his commission, two thousand six hundred dollars.

For twenty years and upwards after the date of his commission, two thousand eight hundred dollars.

Every purser on leave or waiting orders, for the first five years after the date of his commission, one thousand four hundred dollars:

For the second five years after the date of his commission, one thousand six hundred dollars.

For the third five years after the date of his commission, one thousand eight hundred dollars.

For the fourth five years after the date of his commission, two thousand dollars.

For twenty years and upwards after the date of his commission, two thousand two hundred and fifty dollars.

Professors  
Mathematics.

of *Professors of Mathematics*—Every professor of mathematics on duty, one thousand eight hundred dollars.

When on leave or waiting orders, nine hundred and sixty dollars.

Warranted off-  
cers.

*Warranted Officers*.\*—Every boatswain, gunner, carpenter, and sailmaker on duty at sea, for the first three years' sea-service after the date of his warrant, one thousand dollars.

For the second three years' sea-service after the date of his warrant, one thousand one hundred and fifty dollars.

For the third three years' sea-service after the date of his warrant, one thousand two hundred and fifty dollars.

For the fourth three years' sea-service after the date of his warrant, one thousand three hundred and fifty dollars.

For twelve years' sea-service and upwards, one thousand four hundred and fifty dollars.

*When on other duty*.—For the first three years of sea-service after the date of warrant, eight hundred dollars.

For the second three years' sea-service after the date of his warrant, nine hundred dollars.

For the third three years' sea-service after the date of his warrant, one thousand dollars.

For the fourth three years' sea-service after the date of his warrant, one thousand one hundred dollars.

\* In calculating the graduated pay of boatswains, gunners, carpenters, and sail-makers in the navy, as established by this law, the sea-service is to be computed from the dates of their appointment or entry into the service in their respective grades, in lieu of the dates of their warrants. (Act of July 16, 1862, sec. 17.)

For twelve years' sea-service and upwards, one thousand two hundred dollars.

*When on leave or waiting orders.*—For the first three years' sea-service after the date of his warrant, six hundred dollars.

For the second three years' sea-service after the date of his warrant, seven hundred dollars.

For the third three years' sea-service after the date of his warrant, eight hundred dollars.

For the fourth three years' sea-service after the date of his warrant, nine hundred dollars.

For twelve years' sea-service and upwards, one thousand dollars.

SEC. 3. *And be it further enacted*, That hereafter no service shall be regarded as sea-service but such as shall be performed at sea under the orders of a department, and in vessels employed by authority of law. What constitutes sea service.

SEC. 4. *And be it further enacted*, That nothing in this act contained shall be held to modify or affect the existing power of the Secretary of the Navy to furlough officers or to affect the furlough pay. Right to furlough officers.

SEC. 5. *And be it further enacted*, That \* \* \* officers on the reserved list, when called into active service, shall receive the pay of their respective grades as herein provided during the term of such service: *Provided*, That nothing herein contained shall be construed to change or modify the present pay of officers on the reserved list, either on leave or furlough. Pay of reserved officers called into active service.

Approved June 1, 1860. (Vol. 12, p. 23.)

AN ACT to amend an act entitled "An act in addition to the acts prohibiting the slave trade."\*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall and may be lawful for the President of the United States to enter into contract with any person or persons, society or societies, or body corporate, for a term not exceeding five years, to receive from the United States through their duly constituted agent or agents, upon the coast of Africa, all negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave trade, by commanders of the United States armed vessels, and to provide the said negroes, mulattoes, and persons of color with comfortable clothing, shelter, and provisions for a period not exceeding one year from the date of their being landed on the coast of Africa, at a price in no case to exceed one hundred dollars for each person so clothed, sheltered, and provided President may contract for the reception in Africa of negroes delivered from vessels seized in the slave trade, &c.

\* See amendatory act of July 17, 1862, providing for the landing and employment of negroes, delivered from on board of vessels engaged in the slave trade, in the West Indies or other tropical regions.



Contract may be renewed from time to time.

with food: *Provided*, That any contract so made as aforesaid may be renewed by the President from time to time as found necessary for periods not to exceed five years on each renewal.

United States vessels to proceed at once to coast of Africa, and there deliver such negroes, &c.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to issue instructions to the commanders of the armed vessels of the United States, directing them whenever it shall be practicable, and under such rules and regulations as he may prescribe, to proceed directly to the coast of Africa, and there deliver to the agent or agents of the United States all negroes, mulattoes, and persons of color delivered from on board vessels seized in the prosecution of the slave trade, afterwards bringing the captured vessels and persons engaged in prosecuting the slave trade to the United States for trial and adjudication.

\* \* \* \* \*

Approved June 16, 1860. (Vol. 12, p. 40.)

AN ACT making appropriations for the naval service for the year ending the thirtieth of June, eighteen hundred and sixty-one.

Pursers to be called paymasters.

SEC. 3. *And be it further enacted*, That pursers in the navy of the United States shall hereafter be styled paymasters, and that all laws and regulations applying to them as pursers, and all responsibilities and obligations attaching to them as such, shall remain in full force, and continue to apply to them, under the title of paymasters. \* \* \*

Approved June 22, 1860. (Vol. 12, p. 83.)

AN ACT making appropriations for the naval service for the year ending the thirtieth of June, eighteen hundred and sixty-two.

Restriction on repairs of hull and spars of vessels.

*Provided*, That not more than three thousand dollars shall hereafter be expended at any navy yard in repairing the hull and spars of any vessel until the necessity and expediency of such repair, and the probable cost thereof, be ascertained and reported to the Navy Department by an examining board, to be composed of one captain or commander in the navy, to be appointed by the Secretary of the Navy, the naval constructor of the yard where any vessel may be ordered for repairs, and two master-workmen of such yard, or one master-workman and an engineer of the navy, according to the nature of the repairs to be made; said master-workman or engineer to be designated by the head of the Bureau of Construction and Repairs; and not more than one thousand dollars shall be expended in repairs on the sails and rigging of any vessel until the expediency and necessity of such repairs and the estimated cost thereof have been ascertained and reported to the Navy Department by an examining board, to be composed of one naval officer, appointed

Restriction on repair of sails and rigging.

by the Secretary of the Navy, and the master rigger and the master sailmaker of the yard where such vessel may be ordered.

\* \* \* \* \*

SEC. 3. *And be it further enacted*, That the President of the United States is hereby authorized to place on a retired list any medical officer of the navy who is now or may hereafter be proved to be permanently incapable, from physical or mental infirmity, of further service at sea.

Retired list for medical officers.

\* \* \* \* \*

SEC. 4. *And be it further enacted*, That all vacancies in the medical corps of the navy caused by the foregoing section shall be filled in accordance with established usage: *Provided*, The number of medical officers on the active list shall not exceed the number authorized by existing laws.

Vacancies caused thereby—how filled.

\* \* \* \* \*

SEC. 7. *And be it further enacted*, That all appropriations now or hereafter made for the preparation or publication of foreign hydrographic surveys shall only be applicable to their object upon the approval by the Secretary of the Navy, after a report from three competent naval officers, to the effect that the original data for proposed charts are such as to justify their publication; and it is hereby made the duty of the Secretary of the Navy to order a board of three naval officers to examine and report upon the said data before he shall approve of any application of money to the preparation or publication of said charts or hydrographic results.

Appropriations for foreign hydrographic surveys, when applicable.

SEC. 8. *And be it further enacted*, That the pay of first clerks to commandants at all\* the navy yards shall be at the rate of twelve hundred dollars per annum, except that at [the] California navy yard, which shall be at the rate of fifteen hundred dollars per annum.†

Pay of clerks of commandants at navy yards.

Approved February 21, 1861. (Vol. 12, p. 147.)

AN ACT making appropriations for sundry civil expenses of the government for the year ending June thirty, eighteen hundred and sixty-two.

SEC. 10. *And be it further enacted*, That all purchases and contracts for supplies or services, in any of the departments of the government, except for personal services when the public exigencies do not require the immediate delivery of the article or articles, or performance of the service, shall be made by advertising a sufficient time previously for proposals respecting the same. When immediate delivery or performance is required by the public exigency, the articles or service

Purchases and contracts, except for personal services, &c., to be made after advertising for proposals.

\*Only those at the principal navy yards had been receiving, under act of March 3 1853, \$1,200 per annum.

† See 3d section, act of July 14, 1862, giving a salary of \$1,500 to the clerk to the commandant of the navy yard, Mare Island.

required may be procured by open purchase or contract at the places and in the manner in which such articles are usually bought and sold, or such services engaged between individuals.

Contracts or purchases unauthorized by law forbidden.

No contract or purchase shall hereafter be made, unless the same be authorized by law or be under an appropriation adequate to its fulfilment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

\* \* \* \* \*

Approved March 2, 1861. (Vol. 12, p. 220.)

AN ACT to provide for the appointment of assistant paymasters in the navy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the grade of assistant paymaster in the navy of the United States be, and hereby is, established, and that from and after the passage of this act the President of the United States, by and with the advice and consent of the Senate, may appoint assistant paymasters from time to time, as they shall be needed for active service in the navy, not exceeding thirty-six in number.

Grade of assistant paymaster in the navy established.

Number.

SEC. 2. *And be it further enacted,* That every person who shall be appointed assistant paymaster shall, at the time of his appointment, be not less than twenty-one years of age, nor more than twenty-six years ; \* and that, previous to his appointment, his physical, mental, and moral qualifications shall be inquired into and favorably reported upon by a board of paymasters appointed for that purpose by the Secretary of the Navy, and under such regulations as he may prescribe.

Qualifications.

SEC. 3. *And be it further enacted,* That the annual pay of assistant paymaster shall be as follows, viz :

On duty at sea, for the first five years after date of commission, one thousand three hundred dollars ; after five years from date of commission, one thousand five hundred dollars.

On other duty, for the first five years after date of commission, one thousand dollars ; after five years from date of commission, one thousand two hundred dollars.

On leave of absence or waiting orders, for the first five years after date of commission, eight hundred dollars ; after five years from date of commission, one thousand dollars ; and when attached to vessels for sea service, each assistant paymaster shall be entitled to one ration per day.

\* Acting assistant paymasters may be promoted to assistant paymasters for faithful, diligent discharge of duty, although over twenty-six years of age, provided they be not over thirty.—(Act of April 1, 1864.)

SEC. 4. *And be it further enacted*, That from and after the passage of this act no commanding officer of any vessel in the navy shall be required to perform the duties of paymaster or assistant paymaster; and when such office shall become vacant, by death or otherwise, in ships at sea or on foreign stations, or on the Pacific coast of the United States, the senior officer present may make an acting appointment of any fit person to perform the duties until another paymaster or assistant paymaster shall report for duty. Any person performing the duties of paymaster or assistant paymaster in accordance with this section (but not otherwise) shall be entitled to receive the pay of such grade whilst acting.

Commanding officers not to perform duties of paymaster.

Office of paymaster becoming vacant on foreign station, &c., may be filled, &c.

SEC. 5. *And be it further enacted*, That each assistant paymaster shall, upon his appointment, enter into bonds in the amount of ten thousand dollars, with at least two good and sufficient securities, for the faithful performance of his duties, and that assistant paymasters shall have rank and precedence with assistant surgeons not passed, and that all appointments to fill vacancies in the corps of paymasters shall be made by regular promotion from the list of assistant paymasters.

Bonds and rank of assistant paymasters.

Promotion.

SEC. 6. *And be it further enacted*, That within six months after the expiration of the present insurrection the corps of paymasters and assistant paymasters shall be reduced to the number of seventy-five in the whole.

Future reduction of corps of paymasters.

Approved July 17, 1861. (Vol. 12, p. 258.)

#### AN ACT to alter and regulate the navy ration.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the navy ration shall consist of the following daily allowance of provisions to each person: One pound of salt pork, with half a pint of beans or peas; or one pound of salt beef, with half a pound of flour, and two ounces of dried apples or other dried fruit; or three-quarters of a pound of preserved meat, with half a pound of rice, two ounces of butter, and one ounce of desiccated "mixed vegetables;" or three-quarters of a pound of preserved meat, two ounces of butter, and two ounces of desiccated potato; together with fourteen ounces of biscuit, one-quarter of an ounce of tea, or one ounce of coffee \* or cocoa, two ounces of sugar, and a gill of spirits; and of a weekly allowance of half a pound of pickles, half a pint of molasses, and half a pint of vinegar.

Navy ration.

SEC. 2. *And be it further enacted*, That fresh or preserved meat may be substituted for salt beef or pork, and vegetables for the other articles usually issued with the salted meats;

Substitution of articles.

\* By the fourth section of the act of April 17, 1862, the Secretary of the Navy is authorized to commute the navy ration of coffee and sugar for the extract of coffee combined with milk and sugar.

allowing one and a quarter pound of fresh or three-quarters of a pound of preserved meat for one pound of salted beef or pork; and regulating the quantity of vegetables so as to equal the value of the articles for which they may be substituted.

Same subject.

SEC. 3. *And be it further enacted*, That should it be necessary to vary the above-described daily allowance, it shall be lawful to substitute one pound of soft bread, or one pound of flour, or half a pound of rice, for fourteen ounces of biscuit; half a pint of wine for a gill of spirits; half a pound of rice for half a pint of beans or peas; half a pint of beans or peas for half a pound of rice.

Daily allowance may be varied or diminished.

SEC. 4. *And be it further enacted*, That in case of necessity, the daily allowance of provisions may be diminished or varied by the discretion of the senior officer present in command; but payment shall be made to the persons whose allowance shall be thus diminished, according to the scale of prices which is, or may be, established for the same; but a commander who shall thus make a diminution or variation shall report to his commanding officer, or to the Navy Department, the necessity for the same, and give to the paymaster written orders, specifying particularly the diminution or reduction which is to be made.

Proceedings in such case.

[Sec. 5 relates to the spirit portion of the ration, which has been abolished ]\*

Preserved meats, &c., how to be procured.

SEC. 7. *And be it further enacted*, That the Secretary of the Navy be authorized to procure the preserved meats, † pickles, butter, and desiccated vegetables in such manner and under such restrictions and guarantees as in his opinion will best insure the good quality of said articles.

Approved July 18, 1861. (Vol. 12, p. 264.)

\* The fourth section of the naval appropriation act of July 14, 1862, abolishes the spirit ration in the navy. The five cents per day allowed by law to each person in the navy in lieu of the spirit ration is in addition to pay. "Pay officers will credit this allowance on their rolls, under the separate head of 'undrawn spirits,' to each person on board ship entitled to a ration, and at the end of each quarter will pay the amount due to such of the crew and marines as may elect to receive it. If any person shall decline to receive such payment, it must remain to his credit on the books of the ship, and be accounted for in the same manner as other pay. The commutation price of the navy ration will continue to be twenty-five cents, without reference to the five cents allowed as above mentioned."—*Navy Regulations*.

† The preserved meat forming part of the ration may be prepared and packed under direction of the Secretary of the Navy, and the cattle or fresh beef therefor may be purchased under his directions.—(Act of July 14, 1862, section 1.)

AN ACT making additional appropriations for the naval service for the year ending the thirtieth of June, eighteen hundred and sixty-two, and appropriations of arrearages for the year ending the thirtieth of June, eighteen hundred and sixty-one.

SEC. 3. *And be it further enacted*, That no patented article connected with marine engines shall be hereafter purchased or attached to, or used in connexion with, any steam vessel of war, until the same shall have been submitted to, and officially recommended in writing for purchase and use by, a competent board of naval engineers.

Restriction on purchase of patented articles connected with marine engines.

Approved July 18, 1861. (Vol. 12, p. 265.)

AN ACT to provide for the temporary increase of the navy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for and during the present insurrection the Secretary of the Navy shall be, and he is hereby, authorized to hire, purchase, or contract for such vessels as may be necessary for the temporary increase of the navy of the United States, and he is also hereby authorized to furnish any vessel or vessels which may be purchased or contracted for, with such ordnance, ordnance stores, and munitions of war, as may be necessary to enable such vessel or vessels to render the most efficient service, pursuant to the orders which may be given to their respective commanders.

Temporary increase of navy.

SEC. 2. *And be it further enacted*, That the temporary appointments made, or which may be made, by the Secretary of the Navy, of acting lieutenants, acting paymasters, acting assistant surgeons, acting masters and masters' mates, are hereby ratified and confirmed as temporary acting appointments, until the return of the vessels in which they are respectively employed, or until the suppression of the present insurrection, as may be deemed necessary; and the rate of compensation allowed for the several grades specified is hereby legalized and approved.\*

Temporary appointments by Secretary of Navy confirmed, &c.

Approved July 24, 1861. (Vol. 12, p. 272.)

AN ACT for the relief of the widows and orphans of the officers, seamen, and marines of the United States sloop-of-war *Levant*, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, for the purpose of fixing the time at which shall commence the pensions under the existing laws, of the widows and

The *Levant* to be deemed as lost June 30, 1861.

\* See act of March 3, 1863, sec. 3, declaring how this section shall be construed, and act of July 16, 1862, sec. 20, fixing the pay of these officers at the same rate as that of officers of a like grade in the regular navy.

orphan children of the officers, seamen, marines, and others in service, who were lost in the United States sloop-of-war *Levant*, as well as the time to which the pay of said officers, seamen, marines, and others in the service, shall be allowed, the thirtieth day of June, one thousand eight hundred and sixty-one, shall be deemed and taken to be the day on which the said sloop-of-war *Levant* foundered at sea.

Additional pay to widows and children, &c., of those lost.

SEC. 2. *And be it further enacted*, That the widow, or child, or children, and in case there shall be no widow, or child, or children, (as aforesaid,) then the parent or parents, and if there be no parents, the brothers and sisters of the officers, seamen, marines, and others in service, who were lost in said sloop-of-war *Levant*, including captain's clerk and assistant draughtsman, shall be entitled to and receive, out of any money in the treasury not otherwise appropriated, a sum equal to twelve months' pay of their respective deceased relations aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessel.

Approved July 24, 1861. (Vol. 12, p. 273.)

AN ACT for the better organization of the marine corps.

*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, the United States marine corps shall consist of the following officers, non-commissioned officers, musicians, and privates, viz: One colonel commandant, one colonel, two lieutenant colonels, four majors, one adjutant and inspector, one paymaster, one quartermaster, two assistant quartermasters, twenty captains, thirty first lieutenants, thirty second lieutenants, one sergeant major, one quartermaster sergeant, one drum major, one principal musician, two hundred sergeants, two hundred and twenty corporals, thirty musicians for band, sixty drummers, sixty fifers, and twenty-five hundred privates.

Commissions of present officers not vacated.

SEC. 2. *And be it further enacted*, That the commissions of the officers now in the marine corps shall not be vacated by this act, and that the President of the United States may, during the recess of the Senate, first by promotions, and then by selections, appoint the officers hereby authorized, which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

Appointments.

Qualifications for appointment.

SEC. 3. *And be it further enacted*, That the appointment of commissioned officers to be made under the provisions of this act shall be of persons between the ages of twenty and twenty-five years, and [they] shall be subjected, under the direction of the Secretary of the Navy, to an examination as to their qualifications for the service to which they are to be appointed.

Approved July 25, 1861. (Vol. 12, p. 275.)

AN ACT to provide for the suppression of rebellion against and resistance to the laws of the United States, and to amend the act entitled "An act to provide for calling forth the militia to execute the laws of the Union," &c., passed February twenty-eight, seventeen hundred and ninety-five.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the government of the United States, it shall become impracticable, in the judgment of the President of the United States, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory of the United States, it shall be lawful for the President of the United States to call forth the militia of any or all the States of the Union, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

The President may employ the militia and land and naval forces to execute the laws.

Approved July 29, 1861. (Vol. 12, p. 281.)

AN ACT authorizing the appointment of an Assistant Secretary of the Navy, and fixing the salary of the same, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President shall appoint, in the department of the Secretary of the Navy, by and with the advice and consent of the Senate, a competent person, who shall be called the Assistant Secretary of the Navy, whose salary shall be *four thousand dollars*,† payable in the same manner as the salary of the Secretary of the Navy, who shall perform all such duties in the office of the Secretary of the Navy, belonging to that department, as shall be prescribed by the Secretary of the Navy, or as may be required by law, and who shall act as Secretary of the Navy in the absence of that officer.

Assistant Secretary of Navy authorized.

Salary and duties.

\* \* \* \* \*

Approved July 31, 1861. (Vol. 12, p. 282.)

\* See act of July 31, 1861, to define and punish certain conspiracies, and act of July 17, 1862, to suppress insurrection, and to punish treason and rebellion.

† Fixed at \$3,500 per act of March 2, 1865.



AN ACT to define and punish certain conspiracies.\*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That*

Certain conspiracies defined. if two or more persons within any State or Territory of the United States shall conspire together to overthrow, or to put down, or to destroy by force, the government of the United States, or to levy war against the United States, or to oppose by force the authority of the government of the United States; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to seize, take, or possess any property of the United States against the will or contrary to the authority of the United States; or by force, or intimidation, or threat to prevent any person from accepting or holding any office, or trust, or place of confidence under the United States; each and every person so offending shall be guilty of a high crime, and upon conviction thereof in any district or circuit court of the United States having jurisdiction thereof, or district or supreme court of any Territory of the United States having jurisdiction thereof, shall be punished

How punished. by a fine not less than five hundred dollars, and not more than five thousand dollars; or by imprisonment, with or without hard labor, as the court shall determine, for a period not less than six months nor greater than six years, or by both such fine and imprisonment.

Approved July 31, 1861. (Vol. 12, p. 284.)

AN ACT to increase the medical corps of the navy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That*

Medical corps of the navy, increase of. the medical corps of the navy shall consist of eighty surgeons and one hundred and twenty passed and other assistant surgeons.

Approved July 31, 1861. (Vol. 12, p. 284.)

AN ACT to amend an act entitled "An act supplementary to the act entitled 'An act providing for a naval peace establishment, and for other purposes,' passed March twenty-seven, eighteen hundred and four."†

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That*

\* See act of July 17, 1862, to suppress insurrection, to punish treason and rebellion, &c.

† This act (2 Stat., 297) authorized the attachment to the navy yard at Washington of a captain of the navy.

the above entitled act be, and the same is hereby, amended by inserting after the word "captain," where the same first occurs in said act, the words "or commander," so that the President shall be authorized to select the superintendents of the several navy yards and heads of bureaus from the captains or commanders of the navy of the United States.

Captains or commanders eligible as superintendents of navy yards and heads of bureaus.

Approved August 2, 1861. (Vol. 12, p. 285.)

AN ACT providing for the better organization of the military establishment.

SEC. 15. *And be it further enacted*, That any commissioned officer of the army, or of the marine corps, who shall have served as such for forty consecutive years, may, upon his own application to the President of the United States, be placed upon the list of retired officers, with the pay and emoluments allowed by this act.\*

Retirement of officers of the marine corps on own application.

SEC. 16. *And be it further enacted*, That if any commissioned officer of the army, or of the marine corps, shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired list and withdrawn from active service and command and from the line of promotion, with the following pay and emoluments, namely: the pay proper of the highest rank held by him at the time of his retirement, whether by staff or regimental commission, and four rations per day, and without any other pay, emoluments, or allowances; and the next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies subsequent upon the retirement of an officer. \* \* \*

Retirement of incapable marine officers.

Pay and emoluments.

Promotions to vacancies.

SEC. 17. *And be it further enacted*, That, in order to carry out the provisions of this act, the Secretary of War, or Secretary of the Navy, as the case may be, under the direction and approval of the President of the United States, shall, from time to time, as occasion may require, assemble a board of not more than nine, nor less than five commissioned officers, two-fifths of whom shall be of the medical staff; the board, except those taken from the medical staff, to be composed, as far as may be, of his seniors in rank, to determine the facts as to the nature and occasion of the disability of such officers as appear disabled to perform such military service, such board being hereby invested with the powers of a court of inquiry and court-martial, and their decision shall be subject to like revision as that of such courts by the President of the United States. The board, whenever it finds an offi-

Board to determine the disability of officers.

Of whom to consist—their powers and duties.

\* Sec. 12 act of July 17, 1862, provides for the retiring of officers of the marine corps who have been borne on the register forty-five years, or who shall be of the age of sixty-two years.

Effect of their decision when approved.

cer incapacitated for active service, will report whether, in its judgment, the said incapacity result from long and faithful service, from wounds or injury received in the line of duty, from sickness or exposure therein, or from any other incident of service. If so, and the President approve such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act. If otherwise, and if the President concur in opinion with the board, the officer shall be retired as above, either with his pay proper alone, or with his service rations alone, at the discretion of the President, or he shall be wholly retired from the service, with one year's pay and allowances; and in this last case his name shall be thenceforward omitted from the Army Register, or Navy Register, as the case may be: *Provided always*, That the members of the board shall in every case be sworn to an honest and impartial discharge of their duties, and that no officer of the army shall be retired either partially or wholly from the service without having had a fair and full hearing before the board, if, upon due summons, he shall demand it.

Members to be sworn.

Army officers to have a hearing.

Officers partially retired.

SEC. 18. *And be it further enacted*, That the officers partially retired shall be entitled to wear the uniform of their respective grades, shall continue to be borne upon the Army Register, or Navy Register, as the case may be, and shall be subject to the rules and articles of war, and to trial by general court-martial for any breach of the said articles.

Retirement of navy officers on own application.

SEC. 21. *And be it further enacted*, That any officer of the navy who has been forty years in the service of the United States may, upon his own application to the President of the United States, be placed upon the list of retired officers of the navy.\*

Retirement of incapable officers.

SEC. 22. *And be it further enacted*, That if any officer of the navy shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired list and withdrawn from active service and command and from the line of promotion.

Promotions to vacancies caused thereby.

The next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer.

Board to decide the incapacity of navy officers.

SEC. 23. *And be it further enacted*, That whenever any officer of the navy, on being ordered to perform the duties appropriate to his commission, shall report himself unable to comply with such order, or whenever, in the judgment of the President of the United States, an officer of the navy shall

\* See 1st section of act to further promote the efficiency of the navy, approved December 21, 1861, providing for the retiring of naval officers of forty-five years' service, or who shall be of the age of sixty-two years. (Page 104.)

be in any way incapacitated from performing the duties of his office, the President, at his discretion, shall direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine, and not less than five, commissioned officers, two-fifths of whom shall be members of the medical bureau of the navy; the board, except those taken from the medical bureau, to be composed, if possible, (as far as may be,) of his seniors in rank. The determination of the board in each case shall, with a record of its proceedings, be transmitted to the Secretary of the Navy to be laid before the President for his approval or disapproval, and orders in the case. The board, whenever it finds an officer incapacitated for active service, will report whether, in its judgment, the incapacity result from long and faithful service, from wounds or injury received in the line of duty, from sickness or exposure therein, or from any other incident of service; if so, and the President approve of such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act. But if such disability or incompetency proceeded from other causes, and the President concur in opinion with the board, the officer may be retired upon furlough pay, or he shall be wholly retired from the service, with one year's pay, at the discretion of the President; and in this last case his name shall be wholly omitted from the Navy Register. The members of the board shall, in every case, be sworn to an honest and impartial discharge of their duties, and no officer of the navy shall be retired, either partially or wholly, from the service without having had a fair and full hearing before the board, if he shall demand it.

How composed:  
duty.

Report.

Effect of decision  
when approved.Members to be  
sworn.Officers may be  
heard.Privileges and  
liabilities of retired  
officers.Duty may be as-  
signed retired offi-  
cers.

SEC. 24. *And be it further enacted,* That the retired officers shall be entitled to wear the uniform of their respective grades, shall continue to be borne upon the Navy Register, shall be subject to the rules and articles governing the navy, and to trial by general court-martial.

SEC. 25. *And be it further enacted,* That retired officers of the army, navy, and marine corps may be assigned to such duties as the President may deem them capable of performing, and such as the exigencies of the public service may require.

Approved August 3, 1861. (Vol. 12, p. 287.)

AN ACT supplementary to an act entitled "An act to protect the commerce of the United States, and punish the crime of piracy."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any vessel or boat which shall be built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act

Vessels intended  
for practical ag-  
gressions may be  
seized at sea or in  
port and condemn-  
ed.

of piracy, as defined by the law of nations, shall be liable to be captured and brought into any port of the United States if found upon the high seas, or to be seized if found in any port or place within the United States, whether the same shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted upon or from such vessel or boat or not; and any such vessel or boat may be adjudged and condemned, if captured by a vessel authorized as hereinafter mentioned, to the use of the United States and to that of the captors; and if seized by a collector, surveyor, or marshal, then to the use of the United States, after due process and trial, in like manner as is provided in section four of the act to which this act is supplementary, which section is hereby made in all respects applicable to cases arising under this act.

Commanders of public ships, &c., to be instructed to seize such vessels.

SEC. 2. *And be it further enacted,* That the President of the United States be, and hereby is, authorized to instruct the commanders of the public armed vessels of the United States, and to authorize the commanders of any other armed vessels sailing under the authority of any letters of marque and reprisal granted by the Congress of the United States, or the commanders of any other suitable vessels, to subdue, seize, take, and, if on the high seas, to send into any port of the United States any vessel or boat built, purchased, fitted out, or held, as in the first section of this act mentioned.

Collectors, surveyors, and marshals required to seize such vessels, &c.

SEC. 3. *And be it further enacted,* That the collectors of the several ports of entry, the surveyors of the several ports of delivery, and the marshals of the several judicial districts within the United States be, and are hereby, authorized and required to seize any and all vessels or boats built, purchased, fitted out, or held as aforesaid, which may be found within their respective ports or districts, and to cause the same to be proceeded against and disposed of as hereinbefore provided.

Approved August 5, 1861. (Vol. 12, p. 314.)

AN ACT authorizing additional enlistments in the navy of the United States.

*Be it enacted by the Senate and House of Representatives in the United States of America in Congress assembled,* That the Secretary of the Navy be, and he hereby is, authorized to cause to be enlisted in the navy of the United States, for the term of three years, or during the war, such number of able seamen, ordinary seamen, and boys, as he may judge necessary and proper, to place the entire navy of the United States, and all vessels that may be added to it, in a state of the utmost efficiency for active service,

Approved August 5, 1861. (Vol. 12, p. 315.)

AN ACT making further appropriation for the support of the naval service for the year ending June thirtieth, eighteen hundred and sixty-two, and for other purposes.

\* \* \* \* \*

SEC. 2. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized to change the names of any vessels purchased for the use of the Navy Department by authority of law, and they shall be thereafter known by the names so given them by virtue of this act.

Change of names of purchased vessels.

Approved August 5, 1861. (Vol. 12, p. 315.)

AN ACT making appropriations for fortifications, and for other purposes.

\* \* \* \* \*

SEC. 2. *And be it further enacted*, That any commissioned officer of the army, navy, or marine corps, who, having tendered his resignation, shall, prior to due notice of the acceptance of the same by the proper authority, and without leave, quit his post or proper duties with the intent to remain permanently absent therefrom, shall be registered as a deserter, and punished as such.

When commissioned officers tendering resignations, to be treated as deserters.

Approved August 5, 1861. (Vol. 12, p. 316.)

AN ACT to punish certain crimes against the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any person shall be guilty of the act of recruiting soldiers or sailors in any State or Territory of the United States to engage in armed hostility against the United States, or who shall open a recruiting station for the enlistment of such persons, either as regulars or volunteers, to serve as aforesaid, shall be guilty of a high misdemeanor, and upon conviction in any court of record having jurisdiction of the offence, shall be fined a sum not less than two hundred dollars nor more than one thousand dollars, and confined and imprisoned for a period not less than one year nor more than five years.

Recruiting soldiers or sailors to serve against the United States punishable.

SEC. 2. *And be it further enacted*, That the person so enlisted, or engaged as regular or volunteer, shall be fined in a like manner a sum of one hundred dollars, and imprisoned not less than one nor more than three years.

Those enlisting punishable.

Approved August 6, 1861. (Vol. 12, p. 317.)

AN ACT to further promote the efficiency of the navy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* whenever the name of any naval officer\* now in the service, or who may hereafter be in the service of the United States, shall have been borne on the naval register forty-five years, or shall be of the age of sixty-two years, he shall be retired from active service, and his name entered on the retired list of officers of the grade to which he belonged at the time of such retirement.†

*SEC. 2. And be it further enacted, That* the President of the United States he, and he is hereby, authorized to assign any officer who may be retired under the preceding section of this act to shore duty; and such officer thus assigned shall receive the full shore pay of his grade while so employed.

*SEC. 3. And be it further enacted, That* the President of the United States, by and with the advice and consent of the Senate, shall have the authority to detail from the retired list of the navy for the command of squadrons and single ships such officers as he may believe that the good of the service requires to be thus placed in command; and such officers may, if upon the recommendation of the President of the United States they shall receive a vote of thanks of Congress for their services and gallantry in action against an enemy, be restored to the active list, and not otherwise.

*SEC. 4. And be it further enacted, That* the President of the United States shall have the authority to select any officer from the grades of captain or commander in the navy and assign him to the command of a squadron with the rank and title of a "flag-officer;" and any officer thus assigned shall have the same authority and receive the same obedience from the commanders of ships in his squadron holding commissions of an older date than his that he would be entitled to receive were his commission the oldest; and to receive, when so employed, the pay to which he would have been entitled if he were on the active list of the navy.

*SEC. 5. And be it further enacted, That* all officers retired under the provisions of this act shall receive the retired pay of their respective grades as fixed by law.‡

\* Not to apply to vice-admiral in the navy, (act of December 21, 1864:) nor to be so construed as to retire any officer under the age of sixty-two years and whose name shall not have been borne upon the navy register for a period of forty-five years after he had arrived at the age of sixteen years, (act of June 25, 1864:) nor to apply to officers, not below grade of commander, who have received a vote of thanks from Congress, upon the recommendation of the President, by name, who are not to be retired without cause until they have been fifty-five years in the naval service, (act of July 16, 1862, sec. 8.)

† Captains retired under this act may be promoted to the grade of commodore on the retired list.—(Act of March 3, 1863.)

‡ The 20th section of the act of July 16, 1862, establishes the pay of retired line officers, and the 7th section of the act of April 21, 1864, that of retired staff officers.

SEC. 6. *And be it further enacted*, That promotions shall be made in place of the officers retired under the provisions of this bill as is now provided by law. Promotions to vacancies.

SEC. 7. *And be it further enacted*, That the Secretary of the Navy be, and is hereby, authorized to cause two hundred "medals of honor" to be prepared, with suitable emblematic devices, which shall be bestowed upon such petty officers, seamen, landsmen, and marines as shall most distinguish themselves by their gallantry in action and other seamanlike qualities during the present war.\* Medals of honor to seamen distinguishing themselves.

[Sec. 8 relates to hours of labor and wages of employes in the navy yards, and has been superseded by act of July 16, 1862, page 128.]

Approved December 21, 1861. (Vol. 12, p. 329.)

AN ACT authorizing the detail of naval officers for the service of the War Department.

*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, and he is hereby, authorized to temporarily detail three competent naval officers for the service of the War Department in the inspection of transport vessels, and for such other services as may be designated by the Secretary of War. Naval officers for service of War Department.

Approved February 12, 1862. (Vol. 12, p. 338.)

[UPON RECOMMENDATION OF THE PRESIDENT.]

A RESOLUTION tendering the thanks of Congress to Captain Samuel F. DuPont, and officers, petty officers, seamen, and marines under his command, for the victory at Port Royal.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the thanks of Congress be, and they are hereby, tendered to Captain Samuel F. DuPont, and through him to the officers, petty officers, seamen, and marines attached to the squadron under his command, for the decisive and splendid victory achieved at Port Royal on the seventh day of November last. Thanks for victory at Port Royal.

Approved February 22, 1862. (Vol. 12, p. 613.)

\*By the 3d section of the act of May 17, 1864, seamen distinguishing themselves may be promoted to forward warrant officers, or to masters' mates, and on such promotion receive a gratuity of one hundred dollars and a medal of honor.



A RESOLUTION giving the thanks of Congress to the officers, soldiers, and seamen of the army and navy, for their gallantry in the recent brilliant victories over the enemies of the Union and the Constitution.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are due, and are hereby tendered, to the officers, soldiers, and seamen of the army and navy of the United States, for the heroic gallantry that, under the providence of Almighty God, has won the recent series of brilliant victories over the enemies of the Union and the Constitution.*

Approved February 22, 1862. (Vol. 12, p. 613.)

Thanks for series of brilliant victories.

AN ACT to make an additional article of war.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the following shall be promulgated as an additional article of war for the government of the army of the United States, and shall be obeyed and observed as such:*

Military or naval forces not to be used for returning fugitives from service or labor.

ARTICLE —. All officers or persons in the military or naval service of the United States are prohibited from employing any of the forces under their respective commands for the purpose of returning fugitives from service or labor who may have escaped from any persons to whom such service or labor is claimed to be due; and any officer who shall be found guilty by a court-martial of violating this article shall be dismissed from the service.

Penalty.

SEC. 2. *And be it further enacted, That this act shall take effect from and after its passage.*

Approved March 13, 1862. (Vol. 12, p. 354.)

A RESOLUTION expressive of the thanks of Congress to Captain A. H. Foote, of the United States navy, and to the officers and men under his command in the western flotilla.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress and of the American people are due, and are hereby tendered, to Captain A. H. Foote, of the United States navy, and to the officers and men of the western flotilla under his command, for the great gallantry exhibited by them in the attacks upon Forts Henry and Donaldson, for their efficiency in opening the Tennessee, Cumberland, and Mississippi rivers to the pursuits of lawful commerce, and for their unwavering devotion to the cause of the country in the midst of the greatest difficulties and dangers.*

Thanks for gallantry at Forts Henry and Donaldson.

Approved March 19, 1862. (Vol. 12, p. 616.)

AN ACT to provide for the equitable settlement of the accounts of the officers and crews of the frigate Congress and other vessels.\*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they hereby are, authorized and directed to settle, upon the principles of justice and equity, the accounts of the officers, sailors, marines, and crews of the United States frigate Congress, the sloop Cumberland, and of any other vessel or vessels-of-war the books of which were lost or destroyed in consequence of the naval engagements at Hampton Roads on the eighth and ninth of March, anno Domini one thousand eight hundred and sixty-two.*

Accounts of officers and crews of Congress and Cumberland to be settled on principles of justice and equity.

SEC. 2. *And be it further enacted, That the Secretary of the Navy be, and he is hereby, authorized to furnish to the sailors, marines, and crews of any of the vessels engaged in the naval actions in the foregoing section mentioned, whose bedding, clothing, or other property was lost or destroyed therein, with an amount sufficient to cover their losses, and not exceeding sixty dollars to each man, to be paid in kind or in money, at the discretion of the flag-officer of the North Atlantic squadron.*

Compensation for loss of clothing, &c.

Approved April 2, 1862. (Vol. 12, p. 375.)

JOINT RESOLUTION authorizing the Secretary of the Navy to test plans and materials for rendering ships and floating batteries invulnerable.

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he hereby is, authorized to expend, out of any money in the treasury not otherwise appropriated, a sum not exceeding twenty-five thousand dollars, for the purpose of testing plans and materials for rendering ships or floating batteries invulnerable.*

Appropriation to test plans and materials for rendering ships or floating batteries invulnerable.

Approved April 10, 1862. (Vol. 12, p. 617.)

AN ACT making additional appropriations for the naval service for the year ending June thirty, eighteen hundred and sixty-two.

\* \* \* \* \*

SEC. 4. *And be it further enacted, That the Secretary of the Navy be authorized to commute the navy ration of coffee and sugar for the extract of coffee combined with milk and*

Commutation of navy ration of coffee and sugar, &c.

\*The act of July 11, 1862, for the relief of the widows and orphans of the officers, seamen, and marines of these vessels, appropriates twelve months' pay to them.

sugar, to be procured in the same manner and under like restrictions and guarantees as are preserved meats, pickles, butter, and desiccated vegetables,\* if he shall believe it will be conducive to the health and comfort of the navy and not more expensive to the government than the present ration, and if it shall be acceptable to the men.

Approved April 17, 1862. (Vol. 12, p. 380.)

AN ACT making provision for raising property of the United States sunk in the waters thereof.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he is hereby, authorized and empowered to contract with such person or persons as he shall deem most for the public service for raising such vessels, their armaments, stores, or equipments, belonging to the United States and sunk in the waters thereof; and that the sum of one hundred thousand dollars be, and the same is hereby, appropriated to carry the provisions of this act into effect.

Authority to contract to raise sunken vessels.

Appropriation.

Approved June 17, 1862. (Vol. 12, p. 431.)

AN ACT to prescribe an oath of office, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter every person elected or appointed to any office of honor or profit under the government of the United States, either in the civil, military, or naval departments of the public service, excepting the President of the United States, shall, before entering upon the duties of such office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe the following oath or affirmation: "I, A B, do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto.

Oath of office for persons in the military, naval, and civil service.

\* By the 7th section of the act of July 18, 1861, regulating the navy ration, these articles are to be procured in such manner and under such restrictions and guarantees as, in the opinion of the Secretary of the Navy, will best insure the good quality of said articles

And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."

Which said oath, so taken and signed, shall be preserved among the files of the court, house of Congress, or department to which the said office may appertain. And any person who shall falsely take the said oath shall be guilty of perjury, and on conviction, in addition to the penalties now prescribed for that offence, shall be deprived of his office and rendered incapable forever after of holding any office or place under the United States.

Oath to be preserved.

False oath perjury.

Penalty.

Approved July 2, 1862. (Vol. 12, p. 502.)

AN ACT to reorganize the Navy Department of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the Navy Department the following bureaus, to wit :*

- First. A Bureau of Yards and Docks.
- Second. A Bureau of Equipment and Recruiting.
- Third. A Bureau of Navigation.
- Fourth. A Bureau of Ordnance.
- Fifth. A Bureau of Construction and Repair.
- Sixth. A Bureau of Steam Engineering.
- Seventh. A Bureau of Provisions and Clothing.
- Eighth. A Bureau of Medicine and Surgery.

Bureaus established in the Navy Department.

SEC. 2. *And be it further enacted, That the President of the United States, by and with the advice and consent of the Senate, shall appoint from the list of officers of the navy, not below the grade of commander, a chief for each of the Bureaus of Yards and Docks, Navigation, Equipment and Recruiting, and of Ordnance, and shall in like manner appoint a chief of the Bureau of Construction and Repair, who shall be a skilful naval constructor; and shall also appoint a chief of the Bureau of Steam Engineering, who shall be a skilful engineer, and be selected from the list of chief engineers of the navy; and shall also appoint a chief of the Bureau of Medicine and Surgery, who shall be selected from the list of the surgeons of the navy, and a chief of the Bureau of Provisions and Clothing, who shall be selected from the list of paymasters of the navy of not less than ten years' standing; each of which chiefs of bureaus shall receive a salary of three*

Chiefs of bureaus, how appointed, and from whom to be selected.

Salaries and term of office.

thousand five hundred dollars per annum,\* unless otherwise heretofore provided for by law, which shall be in lieu of all other compensation whatever; the said chiefs of bureaus to hold their said offices for the term of four years: *Provided*, That nothing herein contained shall be construed to affect any provision heretofore made by law for special cases.

Clerks, &c., authorized.

SEC. 3. *And be it further enacted*, That the Secretary of the Navy shall appoint the following clerks and other officers, to wit:

Office of the Secretary of the Navy.

For the office of the Secretary of the Navy, a chief clerk, who shall receive a salary of two thousand two hundred dollars per annum; one clerk at a salary of eighteen hundred dollars, who shall also be disbursing clerk with a salary of two hundred dollars; five clerks with a salary of sixteen hundred dollars each; three clerks with a salary of fourteen hundred dollars each; four clerks with a salary of twelve hundred dollars each; one messenger at nine hundred dollars per annum; one assistant messenger at seven hundred dollars; and two laborers at six hundred dollars each per annum.†

Bureau of Yards and Docks.

For the Bureau of Yards and Docks, one civil engineer, who shall receive a salary of two thousand dollars; one chief clerk at eighteen hundred dollars; one clerk at sixteen hundred dollars; three clerks at fourteen hundred dollars each; one draughtsman at fourteen hundred dollars; one clerk at twelve hundred dollars; one messenger at eight hundred and forty dollars; and two laborers at six hundred dollars each per annum.

Bureau of Equipment and Recruiting.

For the Bureau of Equipment and Recruiting, one chief clerk, who shall receive a salary of eighteen hundred dollars; two clerks at a salary of fourteen hundred dollars each; one clerk at a salary of twelve hundred dollars; one messenger at a salary of eight hundred and forty dollars.‡

Bureau of Navigation.

For the Bureau of Navigation, one chief clerk at eighteen hundred dollars; one clerk who shall receive a salary of four hundred dollars; one clerk at twelve hundred dollars; one messenger at eight hundred and forty dollars.§

Bureau of Ordnance.

For the Bureau of Ordnance, one assistant, to be selected from the commissioned officers of the navy, with the pay of three thousand dollars per annum; one draughtsman at four hundred dollars; one clerk at fourteen hundred dollars; one messenger at eight hundred and forty dollars per annum;

\* This is not construed to prohibit any chief of a bureau from receiving the highest shore duty pay of his grade, although it may exceed thirty-five hundred dollars per annum.

† Additions authorized: Three clerks of class one and three of class two, February 25, 1863; two of class four, March 14, 1864; four of class four and one laborer at \$600, March 2, 1865.

‡ Additions authorized: One laborer at \$600, February 25, 1863; one clerk of class two and one of class one, July 2, 1864; one of class three and one of class one, March 2, 1865.

§ An addition of one laborer at \$600, February 25, 1863.

and one laborer at six hundred dollars, and one laborer at four hundred and eighty dollars per annum.\*

For the Bureau of Construction and Repair, one chief clerk, at a salary of eighteen hundred dollars a year; one draughtsman at fourteen hundred dollars per annum, five clerks at a salary of fourteen hundred dollars each, one of twelve hundred dollars, one messenger at a salary of eight hundred and forty dollars per annum, and one laborer at six hundred dollars per annum.†

For the Bureau of Steam Engineering, one chief clerk, at a salary of eighteen hundred dollars; one draughtsman at fourteen hundred dollars, one clerk at fourteen hundred dollars, one assistant draughtsman at twelve hundred dollars, one messenger at eight hundred and forty dollars salary per annum, and one laborer at six hundred dollars per annum.

For the Bureau of Provisions and Clothing, one chief clerk, with a salary of eighteen hundred dollars; four clerks with a salary of fourteen hundred dollars each, one clerk with a salary of twelve hundred dollars, one messenger with a salary of eight hundred and forty dollars per annum, and one laborer with a salary of six hundred dollars per annum.‡

For the Bureau of Medicine and Surgery, two clerks with a salary of fourteen hundred dollars each, and one messenger with a salary of eight hundred and forty dollars per annum.§

For the protection of the building occupied by the department, one day watchman and two night watchmen, at a salary of six hundred dollars each per annum; and for the general care of the building, furnace, and grounds, one laborer at a salary of six hundred dollars, and one laborer at a salary of three hundred and sixty dollars||.

SEC. 4. *And be it further enacted*, That the Secretary of the Navy shall assign and distribute among the said bureaus such of the duties of the Navy Department as he shall judge to be expedient and proper;¶ and all of the duties of the said bureaus shall be performed under the authority of the Secretary of the Navy, and their orders shall be considered as emanating from him, and shall have full force and effect as such.

SEC. 5. *And be it further enacted*, That all estimates for specific, general, and contingent expenses of the department and of the several bureaus, shall be furnished to the Secre-

\* Additions authorized: One chief clerk at \$1,800 per annum, and three clerks of class two, February 25, 1863; one clerk of class three, July 2, 1864.

† Additions authorized: One temporary clerk of class two, March 2, 1865.

‡ Additions authorized: Two clerks of class one and two of class two, February 25, 1863; two of class three and two of class one, July 2, 1864.

§ Additions authorized: An assistant to the bureau, to be either a surgeon, assistant surgeon, or passed assistant surgeon, and to receive the highest shore pay of his grade, act of July 16, 1862; one laborer, act of February 25, 1863.

¶ Two additional watchmen, act of February 25, 1863.

|| The act of July 16, 1862, authorizes the Secretary to assign clerks and laborers attached to one bureau to duty in another.

tary of the Navy by the chiefs of the respective bureaus, and all such appropriations shall be under the control and expended by the direction of the Secretary of the Navy, and the appropriation for each bureau shall be kept separate in the treasury.

Franking privilege.

SEC. 6. *And be it further enacted*, That the chiefs of the respective bureaus of the Navy Department shall be authorized to frank all communications from their respective bureaus; and all communications to their bureaus on the business thereof shall be free of postage.\*

Repeal of conflicting acts.

SEC. 7. *And be it further enacted*, That all acts and parts of acts conflicting or inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved July 5, 1862. (Vol. 12, p. 510.)

[UPON RECOMMENDATION OF THE PRESIDENT.]

A RESOLUTION tendering the thanks of Congress to Captain Louis M. Goldsborough, and officers, petty officers, seamen, and marines under his command, for the victory at Roanoke island.

Thanks to Capt. L. M. Goldsborough and his squadron for victory at Roanoke island.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the thanks of Congress be, and they are hereby, tendered to Captain Louis M. Goldsborough, and through him to the officers, petty officers, seamen, and marines attached to the squadron under his command, for the brilliant and decisive victory achieved at Roanoke island on the seventh, eighth, and tenth days of February last.

Approved July 11, 1862. (Vol. 12, p. 621.)

A RESOLUTION expressive of the thanks of Congress to Lieutenant J. L. Worden, of the United States navy, and to the officers and men under his command in the Monitor.

Thanks to Lieut. Worden and officers and men of the Monitor.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the thanks of Congress and of the American people are due, and are hereby tendered, to Lieutenant J. L. Worden, of the United States navy, and to the officers and men of the iron-clad gunboat Monitor, under his command, for the skill and gallantry exhibited by them in the late remarkable battle between the Monitor and the rebel iron-clad steamer Merrimack.

SEC. 2. *Be it further resolved*, That the President of the United States be requested to cause this resolution to be communicated to Lieutenant Worden, and through him to the officers and men under his command.

Approved July 11, 1862. (Vol. 12, p. 622.)

\* See act of June 1, 1864, in relation to franked matter.

[UPON RECOMMENDATION OF THE PRESIDENT.]

A RESOLUTION of thanks to Captain David G. Farragut, of the United States navy, and to the officers and men under his command.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of the people and of the Congress of the United States are due and are hereby tendered to Captain David G. Farragut, of the United States navy, and to the officers and men under his command, composing his squadron in the Gulf of Mexico, for their successful operations on the lower Mississippi river, and for their gallantry displayed in the capture of Forts Jackson and St. Philip, and the city of New Orleans, and in the destruction of the enemy's gunboats and armed flotilla.*

Thanks to Capt. D. G. Farragut and his squadron for successful operations, &c.

SEC. 2. *And be it further resolved, That the Secretary of the Navy be directed to communicate this resolution to Captain Farragut, and through him to the officers and men under his command.*

Approved July 11, 1862. (Vol. 12, p. 622.)

A RESOLUTION for the relief of the officers, non-commissioned officers, and privates of the battalion of marines on board the transport Governor, on the third of November, eighteen hundred and sixty one.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of seven thousand one hundred and sixty-three dollars and fifty-one cents be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to compensate the officers, non-commissioned officers, and privates who composed the marine battalion attached to the Port Royal naval expedition under Flag-Officer DuPont, for the losses of their personal effects by the foundering of the steamer Governor, in which they were embarked, on the third of November last; and that the Secretary of the Navy cause the said sum, or so much thereof as may be necessary, to be paid to them according to the estimated value of their personal effects lost in the manner aforesaid.*

Relief for officers and men of marine battalion for losses of clothing by the foundering of the Governor.

Approved July 11, 1862. (Vol. 12, p. 622.)

A RESOLUTION to compensate the crew of the United States steamer Varuna for clothing and other property lost in the public service.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the accounts of the petty*

Compensation to petty officers and others of the Varuna for loss of clothing.



officers, seamen, and others of the crew of the United States steamer Varuna, which was sunk during the engagement near New Orleans on or about the twenty-fourth day of April, eighteen hundred and sixty-two, to credit each of them with the amount of sixty dollars to cover their losses of bedding, clothing, and other property, occasioned by the sinking of the said steamer.

Approved July 11, 1862. (Vol. 12, p. 622.)

AN ACT for the relief of the widows and orphans of the officers, seamen, and marines of the United States ships Cumberland and Congress.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Relief to families of officers and others lost in the Cumberland and the Congress. the widow, or child, or children, and in case there shall be no widow, or child, or children, then the parent or parents, and if there be no parents, the brothers and sisters of the officers, seamen, and marines, and others in service who were lost in the United States ships Cumberland and Congress, including captains' clerks, shall be entitled to and shall receive, out of any money in the treasury not otherwise appropriated, a sum equal to twelve months' pay of their respective deceased relations aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessels.

Approved July 11, 1862. (Vol. 12, p. 531.)

A RESOLUTION in relation to contracts with the United States.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That List of contracts solicited or proposed, to be published weekly. it shall be the duty of the several executive departments of the government to publish in one of the daily newspapers of the city of Washington, on Tuesday of each week, a list of all contracts which shall have been solicited or proposed to each, respectively, during the week next preceding, which list shall state briefly the subject-matter of each contract so solicited or proposed to be made, its terms, the name of the proposed contractor and of all persons known to be interested therein, directly or indirectly, and of all persons who solicit, request, or recommend the making of any such contract: *Provided,* That the foregoing provision shall not be applicable to bids made in pursuance of advertisements for contracts or purchases made under existing laws, but shall apply to all proposed modifications of existing contracts. Not to apply to certain bids.

Approved July 12, 1862. (Vol. 12, p. 624)

AN ACT making appropriations for the naval service for the year ending thirtieth of June, eighteen hundred and sixty-three, and for other purposes.

\* \* \* \* \*

For provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea service, three million three hundred and fifty-one thousand five hundred and twenty-one dollars and twenty-five cents: *Provided*, That the preserved meat forming part of the navy ration may be prepared and packed under the direction of the Secretary of the Navy, if he shall deem it advisable; and that the cattle or fresh beef therefor may be purchased under his directions, and from this appropriation; and that he be authorized to do whatever else may be necessary for the procuring, preparing, and packing said preserved meat in the most approved and advantageous manner; the expense for machinery and tools to be defrayed from the last-named sum, and not to exceed five thousand dollars.

Procuring and packing of preserved meat.

Cattle and fresh beef.

\* \* \* \* \*

*Provided*, That hereafter, in all cases where the officers of the navy can be made available, consistently with the public service, in making contracts for the charter of vessels and the purchase of additional steam-vessels, no other person or persons shall be employed; nor shall such officers, when so employed, receive any compensation in addition to their official pay; and when any other person or persons than an officer of the navy shall be employed, the compensation shall not exceed the sum of five thousand dollars for all contracts for purchases or charters in any one year made under the provisions of this act.

Officers of the navy, when available, to be employed in chartering and purchasing vessels.

Compensation to other persons when so employed.

\* \* \* \* \*

*Provided*, That hereafter no salaries shall be paid to any employé in any of the navy yards except to those designated in the estimates. All other persons shall receive a per diem compensation for the time during which they were actually engaged.

Salaries only to employés of the yards designated in the estimates.

Per diem pay to all others.

\* \* \* \* \*

SEC. 3. *And be it further enacted*, That the pay of the clerks of the navy yard and navy agency at Mare Island shall be as follows, viz: one clerk to navy agent, two thousand dollars per annum; one clerk to navy agent, fifteen hundred dollars; one clerk to the commandant, fifteen hundred dollars; one clerk of the yard, fifteen hundred dollars; one clerk to the paymaster and inspector of provisions, and so forth, fifteen hundred dollars; one clerk to the naval constructor, nine hundred dollars; one clerk to the civil engineer, nine hundred dollars; one draughtsman to civil engineer, twelve hundred dollars; one steward to paymaster, seven hundred and fifty dollars.

Pay of clerks to navy yard and navy agency, Mare Island.

Spirit ration to  
cease.

SEC. 4. *And be it further enacted,* That from and after the first day of September, eighteen hundred and sixty-two, the spirit ration in the navy of the United States shall forever cease, and thereafter no distilled spirituous liquors shall be admitted on board of vessels-of-war except as medical stores, and upon the order and under the control of the medical officers of such vessels, and to be used only for medical purposes. From and after the said first day of September next there shall be allowed and paid to each person in the navy now entitled to the spirit ration five cents per day in commutation and lieu thereof, which shall be in addition to their present pay.

Commutation in  
lieu thereof.

Recognition of  
orders, regula-  
tions, and instru-  
ctions issued by Se-  
cretary of the Na-  
vy.

SEC. 5. *And be it further enacted,* That the orders, regulations, and instructions heretofore issued by the Secretary of the Navy be, and they are hereby, recognized as the regulations of the Navy Department, subject, however, to such alterations as the Secretary of the Navy may adopt, with the approbation of the President of the United States.

Pay of secretary  
to commander of a  
squadron.

SEC. 6. *And be it further enacted,* That the pay of the secretary of a commander of a squadron shall hereafter be fifteen hundred dollars a year and one ration.

Age of chaplains  
when appointed.

SEC. 7. *And be it further enacted,* That chaplains in the navy shall be no less than twenty-one nor more than thirty-five years of age at the time of their appointment as such.

Ten acting mid-  
shipmen may be  
appointed by the  
President annual-  
ly.

SEC. 8. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized to annually appoint ten acting midshipmen for education at the Naval Academy, who shall be selected from the sons of officers or soldiers who distinguished themselves in the service of the United States, or from the sons of officers or men in the naval or marine service of the United States who have thus distinguished themselves.\*

District of Co-  
lumbia a congres-  
sional district for  
purposes of appoin-  
tment to Acad-  
emy.

SEC. 9. *And be it further enacted,* That the District of Columbia shall be regarded for all the purposes of appointment to the Naval Academy as a congressional district, their appointment thereto to be designated by the President of the United States from residents of the District.

Approved July 14, 1862. (Vol. 12, p. 561.)

AN ACT to grant pensions.†

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any officer, non-commissioned officer, musician, or private of the army, including regulars, volunteers, and militia, or

Pensions to offi-  
cers and others dis-  
abled in line of  
duty.

\* By the 11th section of the act of July 16, 1862, the President is authorized to make other appointments to the Academy.

† See supplementary acts of July 4, 1864, and March 3, 1865.

By a joint resolution of July 16, 1862, the benefits of this act, including bounty and pension, are extended to masters serving on board of gunboats employed in the service of the United States, and to the widows, mothers, and heirs thereof.

any officer, warrant or petty officer, musician, seaman, ordinary seaman, flotillaman, marine, clerk, landsman, pilot, or other person in the navy or marine corps, has been, since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter be, disabled by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, he shall, upon making due proof of the fact according to such forms and regulations as are or may be provided by or in pursuance of law, be placed upon the list of invalid pensions of the United States, and be entitled to receive, for the highest rate of disability, such pension as is hereinafter provided in such cases, and for an inferior disability an amount proportionate to the highest disability, to commence as hereinafter provided, and continue during the existence of such disability. The pension for a total disability for officers, non-commissioned officers, musicians, and privates employed in the military service of the United States, whether regulars, volunteers, or militia, and in the marine corps, shall be as follows, viz: lieutenant colonel, and all officers of a higher rank, thirty dollars per month; major, twenty-five dollars per month; captain, twenty dollars per month; first lieutenant, seventeen dollars per month; second lieutenant, fifteen dollars per month; and non-commissioned officers, musicians, and privates, eight dollars per month. The pension for total disability for officers, warrant or petty officers, and others employed in the naval service of the United States, shall be as follows, viz: captain, commander, surgeon, paymaster, and chief engineer, respectively, ranking with commander by law, lieutenant commanding, and master commanding, thirty dollars per month; lieutenant, surgeon, paymaster, and chief engineer, respectively, ranking with lieutenant by law, and passed assistant surgeon, twenty-five dollars per month; professor of mathematics, master, assistant surgeon, assistant paymaster, and chaplain, twenty dollars per month; first assistant engineers and pilots, fifteen dollars per month; passed midshipman, midshipman, captain's and paymaster's clerk, second and third assistant engineer, master's mate, and all warrant officers, ten dollars per month; all petty officers, and all other persons before named employed in the naval service, eight dollars per month; and all commissioned officers, of either service, shall receive such and only such pension as is herein provided for the rank in which they hold commissions.

Rate of pensions  
in military service.

Rate of pensions  
in the naval service.

SEC. 2. *And be it further enacted*, That if any officer or other person named in the first section of this act has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, his widow, or, if there be no widow, his child or children under sixteen years of age, shall be entitled to receive the same pension as the husband or father

Pensions to widows and children of those dying in the service.

When to commence and how long to continue.

Pensions to the mother, where there is no widow or children, of those who die in the service.

When to commence.

Provisos.

Pensions to orphan sister or sisters, &c.

Commencement and continuance of same.

Proviso.

No pension, bounty, or back pay to disloyal widows, &c.

would have been entitled to had he been totally disabled, to commence from the death of the husband or father, and to continue to the widow during her widowhood, or to the child or children until they severally attain to the age of sixteen years, and no longer.

SEC. 3. *And be it further enacted,* That where any officer or other person named in the first section of this act shall have died subsequently to the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, and has not left or shall not leave a widow nor legitimate child, but has left or shall leave a mother who was dependent upon him for support, in whole or in part, the mother shall be entitled to receive the same pension as such officer or other person would have been entitled to had he been totally disabled; which pension shall commence from the death of the officer or other person dying as aforesaid: *Provided, however,* That if such mother shall herself be in receipt of a pension as a widow, in virtue of the provisions of the second section of this act, in that case no pension or allowance shall be granted to her on account of her son, unless she gives up the other pension or allowance: *And provided further,* That the pension given to a mother on account of her son shall terminate on her remarriage: *And provided further,* That nothing herein shall be so construed as to entitle the mother of an officer or other person dying, as aforesaid, to more than one pension at the same time under the provisions of this act.

SEC. 4. *And be it further enacted,* That where any officer or other person named in the first section of this act shall have died subsequently to the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, and has not left or shall not leave a widow, nor legitimate child, nor mother, but has left or may leave an orphan sister or sisters, under sixteen years of age, who were dependent upon him for support, in whole or in part, such sister or sisters shall be entitled to receive the same pension as such officer or other person would have been entitled to had he been totally disabled; which pension to said orphan shall commence from the death of the officer or other person dying as aforesaid, and shall continue to the said orphans until they severally arrive at the age of sixteen years, and no longer: *Provided, however,* That nothing herein shall be so construed as to entitle said orphans to more than one pension at the same time, under the provisions of this act: *And provided further,* That no moneys shall be paid to the widow, or children, or any heirs of any deceased soldier on account of bounty, back pay, or pension, who have in any way been engaged in or who have aided or abetted the existing rebellion in the United

States; but the right of such disloyal widow or children, heir or heirs of such soldier, shall be vested in the loyal heir or heirs of the deceased, if any there be.

SEC. 5. *And be it further enacted*, That pensions which may be granted, in pursuance of the provisions of this act, to persons who may have been or shall be employed in the military or naval service of the United States, shall commence on the day of the discharge of such persons in all cases in which the application for such provisions [pensions] is filed within one year after the date of said discharge; and in cases in which the application is not filed during said year, pensions granted to persons employed as aforesaid shall commence on the day of the filing of the application.

Pensions to commence on day of discharge, or day of filing application.

[Sections 6 and 7 repealed by act of July 4, 1864.]

SEC. 8. *And be it further enacted*, That the Commissioner of Pensions be, and he is hereby, empowered to appoint, at his discretion, civil surgeons to make the biennial examinations of pensioners which are or may be required to be made by law, and to examine applicants for invalid pensions, where he shall deem an examination by a surgeon to be appointed by him necessary; and the fees for each of such examinations, and the requisite certificate thereof, shall be one dollar and fifty cents, which fees shall be paid to the surgeon by the person examined, for which he shall take a receipt and forward the same to the Pension Office; and upon the allowance of the claim of the person examined, the Commissioner of Pensions shall furnish to such person an order on the pension agent of his State for the amount of the surgeon's fees.\*

Appointment of civil surgeons to examine applicants for pensions.

Surgeons' fees.

SEC. 9. *And be it further enacted*, That the Commissioner of Pensions, on application made to him in person or by letter by any claimants or applicants for pension, bounty, or other allowance required by law to be adjusted and paid by the Pension Office, shall furnish such claimants, free of all expense or charge to them, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and in case such claim is prosecuted by an agent or attorney of such claimant or applicant, on the issue of a certificate of pension or the granting of a bounty or allowance, the Commissioner of Pensions shall forthwith notify the applicant or claimant that such certificate has been issued or allowance made, and the amount thereof.

Claimants for pensions, &c., to be furnished, on application, with printed instructions.

Notification of allowance to be given to applicant, &c.

SEC. 10. *And be it further enacted*, That the pilots, engineers, sailors, and crews upon the gunboats and war vessels of the United States, who have not been regularly mustered into the service of the United States, shall be entitled to the same bounty allowed to persons of corresponding rank in the naval service, provided they continue in service to the close of the present war; and all persons serving as aforesaid, who

Pilots, engineers, &c., of gunboats who have not been regularly mustered into service to be allowed benefit of bounty and pension laws.

\* By the act of July 4, 1864, these fees are to be refunded by the agent for paying pensions in the district in which the pensioner or claimant resides, out of any money appropriated for the payment of pensions.

Proviso.

have been or may be wounded or incapacitated for service, shall be entitled to receive for such disability the pension allowed by the provisions of this act to those of like rank, and each and every such person shall receive pay according to corresponding rank in the naval service: *Provided*, That no person receiving pension or bounty under the provisions of this act shall receive either pension or bounty for any other service in the present war.

Widows and heirs to be paid bounty and pension.

SEC. 11. *And be it further enacted*, That the widows and heirs of all persons described in the last preceding section who have been or may be employed as aforesaid, or who have been or may be killed in battle, or of those who have died or shall die of wounds received while so employed, shall be paid the bounty and pension allowed by the provisions of this act, according to rank, as provided in the last preceding section.

[Section 12 repealed by act of July 4, 1864.]

Inconsistent acts repealed.

SEC. 13. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved July 14, 1862. (Vol. 12, p. 566.)

AN ACT repealing the law requiring bonds of paymasters and assistant paymasters to be approved by the judge or attorney of the district in which such paymaster or assistant paymaster shall reside.

Approval of bond of paymasters and assistant paymasters.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the law requiring the official bond of a paymaster or assistant paymaster in the navy to be approved by the judge or attorney of the United States for the district in which such paymaster or assistant paymaster shall reside, be and the same is hereby repealed; and such bond shall be deemed and taken to be satisfactory and sufficient whenever the Secretary of the Navy shall be satisfied, on such evidence as he shall consider proper, that such bond ought to be approved and accepted.

Approved July 14, 1862. (Vol. 12, p. 575.)

AN ACT to authorize the Secretary of the Navy to accept the title to League island, in the Delaware river; for naval purposes.

Secretary of Navy authorized to accept League island for naval purposes under certain provisions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Navy be, and he is hereby, authorized to receive and accept from the city authorities of the city of Philadelphia the title to League island, in the Delaware river, together with the marsh east of and adjacent thereto, within the first ward of the said city of Philadelphia, together with all riparian rights and privileges thereunto belonging and ap-

pertaining, to be used for naval purposes by the government of the United States: *Provided*, That said title shall not be accepted and received unless the same shall be perfect and indefeasible to the whole island to low-water mark; nor if, upon more thorough examination and survey of the premises, by a competent board of officers to be by him appointed, he shall discover that the public interests will not be promoted by acquiring the title as aforesaid.

SEC. 2. *And be it further enacted*, That the board of officers to be appointed by the Secretary of the Navy according to the provisions of the first section of this act shall, before proceeding to any decision of the questions hereinbefore referred to them, make a survey and examination of the harbor of New London, Connecticut, and its surroundings, with reference to its capacity and fitness for a naval depot and navy yard, and whether the public interests will not be promoted by establishing a naval depot and navy yard in or near said harbor of New London instead of League island; and that they also make the same investigation in regard to the waters of Narragansett bay.

New London harbor and Narragansett bay to be examined.

Approved July 15, 1862. (Vol. 12, p. 575.)

AN ACT to prevent members of Congress and officers of the government of the United States from taking consideration for procuring contracts, office, or place from the United States, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any member of Congress or any officer\* of the government of the United States who shall, directly or indirectly, take, receive, or agree to receive, any money, property, or other valuable consideration whatsoever, from any person or persons for procuring, or aiding to procure, any contract, office, or place from the government of the United States or any department thereof, or from any officer of the United States, for any person or persons whatsoever, or for giving any such contract, office, or place to any person whomsoever, and the person or persons who shall directly or indirectly offer or agree to give, or give or bestow any money, property, or other valuable consideration whatsoever, for the procuring or aiding to procure any contract, office, or place as aforesaid, and any member of Congress who shall, directly or indirectly, take, receive, or agree to receive any money, property, or other valuable consideration whatsoever after his election as such member, for his attention to, services, action, vote, or decision on any question, matter, cause or proceeding which may then be pending,

Members of Congress and government officers not to receive a consideration for procuring contracts, &c.

Persons forbidden to offer such considerations.

\* The provisions of this act shall be so construed as to embrace any agent of the government of the United States.—(Act of February 25, 1863, vol. 12, p. 696.)



Fine and imprisonment on conviction thereof.

Contract may be declared null and void.

Disqualification for office.

or may by law or under the Constitution of the United States be brought before him in his official capacity, or in his place of trust and profit as such member of Congress, shall for every such offence be liable to indictment as for a misdemeanor in any court of the United States having jurisdiction thereof, and on conviction thereof shall pay a fine of not exceeding ten thousand dollars, and suffer imprisonment in the penitentiary not exceeding two years, at the discretion of the court trying the same; and any such contract or agreement, as aforesaid, may, at the option of the President of the United States, be absolutely null and void; and any member of Congress or officer of the United States convicted, as aforesaid, shall, moreover, be disqualified from holding any office of honor, profit, or trust under the government of the United States.

Approved July 16, 1862. (Vol. 12, p. 577.)

[UPON RECOMMENDATION OF THE PRESIDENT.]

JOINT RESOLUTION tendering the thanks of Congress to Captain Andrew H. Foote, of the United States navy.

Thanks to Captain Andrew H. Foote for eminent services, &c.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and the same are hereby, tendered to Captain Andrew H. Foote, of the United States navy, for his eminent services and gallantry at Fort Henry, Fort Donelson, and Island Number Ten, while in command of the naval forces of the United States.*

SEC. 2. *And be it further resolved, That the President of the United States be, and he is hereby, requested to transmit a certified copy of the foregoing resolution to Captain Foote.*

Approved July 16, 1862. (Vol. 12, p. 626.)

AN ACT to provide for the more prompt settlement of the accounts of disbursing officers.

Accounts of disbursing officers to be settled monthly.

Accounts, &c., to be forwarded in ten days.

*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 any officer or agent of the United States who shall receive public money which he is not authorized to retain as salary, pay, or emolument, shall render his accounts monthly, instead of quarterly, as heretofore; \* and such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be rendered direct*

\* Any paymaster who transmits a monthly summary statement of his receipts, disbursements, and balances is authorized to render his accounts quarterly instead of monthly.—(Fourth Auditor's regulations.)

to the proper accounting officer of the treasury, and be mailed or otherwise forwarded to its proper address within ten days after the expiration of each successive month. And in case of the non-receipt at the treasury of any accounts within a reasonable and proper time thereafter, the officer whose accounts are in default shall be required to furnish satisfactory evidence of having complied with the provisions of this act; and for any default on his part, the delinquent officer shall be deemed a defaulter, and be subject to all the penalties \* prescribed by the sixteenth section of the act of August sixth, eighteen hundred and forty-six, "to provide for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue:" *Provided*, That the Secretary of the Treasury may, if in his opinion the circumstances of the case justify and require it, extend the time hereinbefore prescribed for the rendition of accounts: *And provided further*, That nothing herein contained shall be construed to restrain the heads of any of the departments from requiring such other returns or reports from the officer or agent, subject to the control of such heads of departments, as the public interests may require.

Proceedings if accounts are not received in season.

Proviso.

Time may be extended.

Other returns may be required.

Approved July 17, 1862. (Vol. 12, p. 593.)

AN ACT to establish and equalize the grades of line officers of the United States navy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the active list of line officers of the United States navy shall be divided into nine grades, † taking rank according to the date of their commissions in each grade, as follows, viz :

Grades of line officers of navy established, and their rank.

- First. Rear-admirals.
- Second. Commodores.
- Third. Captains.
- Fourth. Commanders.
- Fifth. Lieutenant commanders.
- Sixth. Lieutenants.
- Seventh. Masters.
- Eighth. Ensigns.
- Ninth. Midshipmen.

SEC. 2. *And be it further enacted*, That the number of officers allowed to each grade shall not exceed nine rear-admirals, eighteen commodores, thirty-six captains, seventy-two commanders, ‡ one hundred and forty-four lieutenant com-

Number of officers to each grade.

\* The penalties prescribed are, on conviction, imprisonment for a term of not less than six months nor more than ten years, and a fine equal to the amount of the money embezzled.—(9 Stat., p. 63.)

† The act of December 21, 1864, authorizes the appointment of one vice-admiral, to be the ranking officer in the navy.

‡ Number of commanders temporarily increased by act of June 25, 1864.

- manders, one hundred and forty-four lieutenants, one hundred and forty-four masters, and one hundred and forty-four ensigns.
- Vessels of navy classified.** SEC. 3. *And be it further enacted,* That the vessels of the United States navy shall be divided into four classes, to be commanded, as near as may be; as follows :
- How to be commanded.** First rates, by commodores.  
Second rates, by captains.  
Third rates, by commanders.  
Fourth rates, by lieutenant commanders.
- Assignment of lieutenant commanders.** Lieutenant commanders may be assigned as first lieutenants of naval stations and of vessels not commanded by lieutenant commanders.
- Advisory board on promotions.** SEC. 4. *And be it further enacted,* That the Secretary of the Navy shall appoint an advisory board of not less than three officers, senior to those to be reported upon, who shall carefully scrutinize the active list of line officers above and including the grade of masters in the line of promotion, and report to him in writing those who, in the opinion of the board, are worthy of further promotion, in the following words : We hereby certify that \_\_\_\_\_ has the moral, mental, physical, and professional qualifications to perform efficiently all his duties, both at sea and on shore, of the grade to which he is to be promoted, and recommend him for promotion.\*
- Officers recommended for promotion to be commissioned—number allowed.** SEC. 5. *And be it further enacted,* That the officers recommended shall be immediately commissioned, according to their present seniority, in the following grades and numbers, namely, eighteen commodores, thirty-six captains, seventy-two commanders, one hundred and forty-four lieutenant commanders, one hundred and forty-four lieutenants, one hundred and forty-four masters, and one hundred and forty-four ensigns : *Provided,* That this number of officers remain upon the active list after the action of the board, otherwise so soon as the graduates from the Naval Academy are available for promotion.
- Proviso.** SEC. 6. *And be it further enacted,* That a similar advisory board shall be appointed at least once in every four years : *Provided,* That the same officers shall not be eligible for two successive terms.
- Similar advisory board once in four years at least.** SEC. 7. *And be it further enacted,* That nine rear-admirals may be appointed by the President, by and with the advice and consent of the Senate, who shall be selected, during war, from those officers upon the active list, not below the grade of commanders, who have distinguished themselves, or shall hereafter most eminently distinguish themselves by courage, skill, and genius in their profession : *Provided,* That no officer shall be promoted to this grade unless, upon recommendation of the President by name, he has received the
- Appointment of rear-admirals.**

\* Officers not recommended for promotion under this section have a right to present themselves for examination under the provisions of the act of April 21, 1864, and if found qualified may be promoted to the same grade and place as if they had been recommended by the board.

thanks of Congress for distinguished service. During times of peace vacancies to this grade shall be filled by regular promotion from the list of commodores, subject to examination as aforesaid.

SEC. 8. *And be it further enacted*, That whenever, upon the recommendation of the President of the United States, any officer of the navy, now upon the active list, not below the grade of commander, has received or shall receive, by name, during the present war, a vote of thanks of Congress for distinguished service, such officer shall not be retired, except for cause, until he has been fifty-five years in the naval service of the United States.

Certain officers who have received vote of thanks not to be retired, &c.

SEC. 9. *And be it further enacted*, That any line officer of the navy or marine corps may be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession.\*

Advancement of line officers of the navy or marine corps.

[Sec. 10 repealed by act of May 17, 1864, sections 2 and 3.]

SEC. 11. *And be it further enacted*, That the students at the Naval Academy shall be styled midshipmen, and until their final graduating examination, when, if successful, they shall be commissioned ensigns, ranking according to merit. The number allowed at the Academy shall be two for every member and delegate of the House of Representatives, two for the District of Columbia, and ten at large. They shall be between the ages of fourteen and seventeen,† physically sound, and well-formed and of robust constitution. They shall be examined for admittance into the Academy according to the regulations which shall be issued by the Secretary of the Navy, and if rejected, shall not have the privilege of another examination for admission to the same class unless recommended by the board of examiners. The President shall select the two from the District of Columbia and the ten at large; and the President shall also be allowed three yearly appointments of midshipmen, who shall be not over eighteen years of age, who shall be selected from boys enlisted in the navy, and who have been at least one year in the service, six months of which shall have been sea service.‡ From and after the fifth of March, eighteen hundred and sixty-three, the nomination of candidates for admission into the Naval Academy shall be made between the fifth of March and the first of July of each year, upon the recommendation of the member or delegate from actual residents of his district, and

Students at Naval Academy to be styled midshipmen, &c.

Number and selection of midshipmen.

Examination and rejection.

Selections by the President.

When nominations are to be made.

\* See acts of April 21, 1864, and January 24, 1865; with regard to the advancement of officers for distinguished conduct in battle.

† To be between the ages of fourteen and eighteen.—(Act of April 1, 1864.)

‡ In addition to these, the President is authorized to appoint annually ten acting midshipmen, to be selected from the sons of officers or soldiers who distinguished themselves in the service of the United States, or from the sons of officers or men in the naval or marine service of the United States who have thus distinguished themselves.—(Act of July 14, 1862.)

- Proviso.** they shall be examined for admission in July: *Provided*, That when any candidate who has been so nominated shall upon examination be found physically or mentally disqualified for admission, the member or delegate from whose district he was so nominated shall be notified to recommend another candidate, who shall be examined in September following. And it shall be the duty of the Secretary of the Navy, as soon after the fifth of March as possible, to notify, in writing, each member and delegate of any vacancy that may exist in his district; and if said member or delegate neglects to recommend a candidate by the first of July in that year, then it shall be the duty of the Secretary of the Navy to fill the vacancy. Midshipmen deficient at any examination.
- Members and delegates to be notified of vacancies.** Failing to recommend, Secretary authorized to fill vacancy.
- Midshipmen deficient at any examination.** an officer of the navy: *Provided, however*, That no greater number of midshipmen shall be appointed by the President at large under this or any other law of Congress than shall be allowed by the provisions of this section.
- Number limited.** [Sec. 12, relating to flags, repealed by act of March 3, 1863.]
- Relative rank between officers of the army and navy.** SEC. 13. *And be it further enacted*, That the relative rank between officers of the navy and the army shall be as follows, lineal rank only to be considered:  
 Rear-admirals with major generals.  
 Commodores with brigadier generals.  
 Captains with colonels.  
 Commanders with lieutenant colonels.  
 Lieutenant commanders with majors.  
 Lieutenants with captains.  
 Masters with first lieutenants.  
 Ensigns with second lieutenants.
- Retired list of rear-admirals and commodores.** SEC. 14. *And be it further enacted*, That there may be allowed upon the retired list nine rear-admirals and eighteen commodores. The rear-admirals shall be selected by the President, by and with the advice and consent of the Senate, from those captains who have given the most faithful service to their country. The eighteen commodores shall be recommended from the list of captains by an advisory board of admirals. After the above numbers are commissioned, promotion to those grades upon the retired list shall be by seniority, subject to an advisory board.
- Pay of officers on the active list of the navy.** SEC. 15. *And be it further enacted*, That from and after the passage of this act the annual pay of the several ranks and grades of officers of the navy on the active list, hereinafter named, shall be as follows:  
 Rear-admirals. Rear-admirals, when at sea, shall receive five thousand dollars. When on shore duty, four thousand dollars. When on leave of absence or waiting orders, three thousand dollars.  
 Commodores. Commodores, when at sea, shall receive four thousand

dollars. When on shore duty, three thousand two hundred dollars. When on leave of absence or waiting orders, two thousand four hundred dollars.

Captains, when at sea, shall receive three thousand five hundred dollars. When on shore duty, two thousand eight hundred dollars. When on leave of absence or waiting orders, two thousand one hundred dollars. Captains.

Commanders, when at sea, shall receive two thousand eight hundred dollars. When on shore duty, two thousand two hundred and forty dollars. When on leave of absence or waiting orders, one thousand six hundred and eighty dollars. Commanders.

Lieutenant commanders, when at sea, shall receive two thousand three hundred and forty-three dollars. When on shore duty, one thousand eight hundred and seventy-five dollars. When on leave of absence or waiting orders, one thousand five hundred dollars. Lieut. commanders.

Lieutenants, when at sea, shall receive one thousand eight hundred and seventy-five dollars. When on shore duty, one thousand five hundred dollars. When on leave of absence or waiting orders, one thousand two hundred dollars. Lieutenants.

Masters, when at sea, shall receive one thousand five hundred dollars. When on shore duty, one thousand two hundred dollars. When on leave of absence or waiting orders, nine hundred and sixty dollars. Masters.

Ensigns, when at sea, shall receive one thousand two hundred dollars. When on shore duty, nine hundred and sixty dollars. When on leave of absence or waiting orders, seven hundred and sixty-eight dollars. Ensigns.

Midshipmen shall receive five hundred dollars.\* Midshipmen.

SEC. 16. *And be it further enacted,* That whenever any officer of the navy, of a class subject by law or regulation to examination before promotion to a higher grade, shall have been absent on duty at the time when he should have been examined, and shall have been found qualified at a subsequent examination, the increased rate of pay to which he may be entitled shall be allowed to him from the date when he would have received it had he been found qualified at the time when his examination should have taken place.† Pay of officers absent on duty when entitled to examination.

SEC. 17. *And be it further enacted,* That in calculating the graduated pay of boatswains, gunners, carpenters, and sailmakers in the navy, as established by law, the sea service shall be computed from the dates of their appointments or entry into the service in their respective grades, in lieu of the dates of their warrants. Graduated pay of boatswains, &c.—how to be calculated.

\*Midshipmen, after their final academic examination, and until their promotion to the grade of ensign, are to be paid at the rate of \$800 per annum while on sea service.—(Act of March 3, 1865.)

†The act of March 3, 1835, gives assistant surgeons, and the act of March 3, 1851, gives assistant engineers, absent and subsequently passing their examinations as herein indicated, the same rank with those of their date.

Assignment of  
clerks and labor-  
ers.

SEC. 18. *And be it further enacted,* That the Secretary of the Navy be, and he hereby is, authorized to assign clerks and laborers attached to one bureau to duty in another, and also to detail a surgeon, or assistant surgeon, or passed assistant surgeon, as assistant to the Bureau of Medicine and Surgery, who shall receive the highest shore pay of his grade.

Assistant to Bu-  
reau of Medicine  
and Surgery.

Rations to offi-  
cers.

SEC. 19. *And be it further enacted,* That all officers, while at sea or attached to a sea-going vessel, shall be allowed one ration.

Relative rank of  
army and navy on  
retired list.

SEC. 20. *And be it further enacted,* That the relative rank between officers of the navy and army on the retired list shall be the same as on the active list, and the annual pay of retired naval officers shall be as follows:\*

Pay of retired  
naval officers.

Admirals, two thousand dollars.  
Commodores, eighteen hundred dollars.  
Captains, sixteen hundred dollars.  
Commanders, fourteen hundred dollars.  
Lieutenant commanders, thirteen hundred dollars.  
Lieutenants, one thousand dollars.  
Masters, eight hundred dollars.  
Ensigns, five hundred dollars.

No rations to re-  
tired officers.

And no rations shall be allowed to any officers of the navy on the retired list. And the pay of all naval officers appointed by virtue of an act entitled "An act to provide for the temporary increase of the navy," approved July twenty-fourth, eighteen hundred and sixty-one, shall be the same as that of officers of a like grade in the regular navy.

Pay of tempora-  
ry appointments in  
the navy.

Approved July 16, 1862. (Vol. 12, p. 583.)

AN ACT to amend an act entitled "An act to further promote the efficiency of the navy," approved December twenty-first, eighteen hundred and sixty-one.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section eight of "An act to further promote the efficiency of the navy," approved December twenty-first, eighteen hundred and sixty-one, be amended so as to read as follows: That the hours of labor and the rate of wages of the employes in the navy yards shall conform, as nearly as is consistent with the public interest, with those of private establishments in the immediate vicinity of the respective yards, to be determined by the commandants of the navy yards, subject to the approval and revision of the Secretary of the Navy.†

Hours of labor  
and rate of wages  
in the navy yards.

Approved July 16, 1862. (Vol. 12, p. 587.)

\* By the 7th section of the act of April 21, 1864, the retired pay of surgeons, engineers, and other staff officers in the navy, is the same as that of the retired officers of the line of the navy with whom they have relative rank.

† The section referred to is virtually *repealed*, instead of amended.

AN ACT to define the pay and emoluments of certain officers of the army, and for other purposes.

\* \* \* \* \*

SEC. 12. *And be it further enacted,* That whenever the name of any officer of the army or marine corps,\* now in the service, or who may hereafter be in the service of the United States, shall have been borne on the Army Register or Naval Register, as the case may be, forty-five years, or he shall be of the age of sixty-two years, it shall be in the discretion of the President to retire him from active service and direct his name to be entered on the retired list of officers of the grade to which he belonged at the time of such retirement; and the President is hereby authorized to assign any officer retired under this section or the act of August third, eighteen hundred and sixty-one, to any appropriate duty; and such officer thus assigned shall receive the full pay and emoluments of his grade while so assigned and employed.

Certain officers of the army and marine corps may be retired.

SEC. 13. *And be it further enacted,* That all contracts made for, or orders given for the purchase of, goods or supplies by any department of the government shall be promptly reported to Congress by the proper head of such department if Congress shall at the time be in session, and if not in session, said reports shall be made at the commencement of the next ensuing session.

Contracts, &c., for goods or supplies to be reported promptly to Congress.

SEC. 14. *And be it further enacted,* That no contract or order, or any interest therein, shall be transferred by the party or parties to whom such contract or order may be given to any other party or parties, and that any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned: *Provided,* That all rights of action are hereby reserved to the United States for any breach of such contract by the contracting party or parties.

Interest in contracts not to be transferred.

Penalty.

Rights of United States saved.

SEC. 15. *And be it further enacted,* That every person who shall furnish supplies of any kind to the army or navy shall be required to mark and distinguish the same, with the name or names of the contractors so furnishing said supplies in such manner as the Secretary of War and the Secretary of the Navy may respectively direct, and no supplies of any kind shall be received unless so marked and distinguished.

Supplies to be marked.

SEC. 16. *And be it further enacted,* That whenever any contractor for subsistence, clothing, arms, ammunition, munitions of war, and for every description of supplies for the army or navy of the United States, shall be found guilty by a court-martial of fraud or wilful neglect of duty, he shall be punished by fine, imprisonment, or such other pun-

Punishment of contractors found guilty of fraud, &c.

\* Section 15, act of August 3, 1861, provides for the retirement, on their own application, of officers of the marine corps who have served as such for forty consecutive years.



Contractors subject to rules, &c., for land and naval forces.

ishment as the court-martial shall adjudge; and any person who shall contract to furnish supplies of any kind or description for the army or navy *he* shall be deemed and taken as a part of the land or naval forces of the United States for which he shall contract to furnish said supplies, and be subject to the rules and regulations for the government of the land and naval forces of the United States.

President may dismiss, for cause, any officer.

SEC. 17. *And be it further enacted*, That the President of the United States be, and hereby is, authorized and requested to dismiss and discharge from the military service either in the army, navy, marine corps, or volunteer force, in the United States service, any officer for any cause which, in his judgment, either renders such officer unsuitable for, or whose dismissal would promote, the public service.

Approved July 17, 1862. (Vol. 12, p. 594.)

AN ACT for the better government of the navy of the United States.

Articles for the better government of the navy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of September next the following articles be adopted and put in force for the government of the navy of the United States:

#### ARTICLE 1.

Duties of commanding officers.

The commanders of all fleets, squadrons, naval stations, and vessels belonging to the navy, are strictly enjoined and required to show in themselves a good example of virtue, honor, patriotism; and subordination; to be vigilant in inspecting the conduct of all who may be placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct all who may be guilty of them, according to the laws and regulations of the navy, upon pain of such punishment as a general court-martial may think proper to inflict.

Penalty for neglect.

#### ARTICLE 2.

Divine service enjoined.

The commanders of vessels and naval stations to which chaplains are attached shall cause divine service to be performed on Sunday, whenever the weather and other circumstances will allow it to be done; and it is earnestly recommended to all officers, seamen, and others in the naval service, diligently to attend at every performance of the worship of Almighty God. Any irreverent or unbecoming behavior during divine service shall be punished as a general or summary court-martial shall direct.

Irreverent behavior to be punished.

## ARTICLE 3.

The punishment of death, or such other punishment as a court-martial shall adjudge, may be inflicted on any person in the naval service—

First. Who shall make, or attempt to make, or unite with, any mutinous assembly, or knowing of the same, or of any intended mutiny, shall not forthwith communicate it to his superior or commanding officer, or being witness to, or present at, any mutiny, shall not do his utmost to suppress it;

Second. Or shall disobey the lawful orders of his superior officer, or strike or assault, or attempt or threaten to strike or assault him while in the execution of the duties of his office;

Third. Or shall give, hold, or entertain any intercourse or intelligence to or with any enemy or rebel, without leave from the President of the United States, the Secretary of the Navy, the commander-in-chief of the fleet, or the commander of a squadron; or, in case of a vessel acting singly, from his commanding officer;

Fourth. Or shall desert, or entice others to desert to an enemy or rebel;

Fifth. Or shall receive any message or letter from an enemy or rebel, or be aware of the unlawful reception of such letter or message, and fail to take the earliest opportunity to inform his superior or commanding officer thereof;

Sixth. Or shall, in time of war, desert or betray his trust, or entice or aid others to desert or betray their trust, or shall sleep upon his watch, or leave his station before regularly relieved;

Seventh. Or shall intentionally or wilfully suffer any vessel of the navy to be stranded or run upon rocks or shoals, or improperly hazarded, or shall wilfully or maliciously injure any vessel of the navy, or any part of her tackle, armament, or equipment, whereby the safety of the vessel shall be hazarded, or the lives of the crew exposed to danger, or shall set on fire or otherwise unlawfully destroy any public property not then in the possession of an enemy, pirate, or rebel;

Eighth. Or shall strike, or attempt to strike, the flag to an enemy or rebel without proper authority, or when engaged in battle shall treacherously yield or pusillanimously cry for quarter;

Ninth. Or shall in time of battle display cowardice, negligence, or disaffection, or withdraw from or keep out of danger to which he should expose himself; or shall desert his duty or station, or entice others to do so; or shall not properly observe the orders of his commanding officer and use his utmost exertions to carry them into execution, when ordered to prepare for, join in, or when actually engaged in battle, or while in sight of an enemy;

Punishment authorized.

Mutiny.

Disobedience of orders. Assault of superior officer.

Intercourse with rebels or enemy.

Desertion.

Receiving messages from an enemy. &amp;c.

Desertion of trust—sleeping on watch.

Wilful stranding of vessel or malicious injury thereof. &amp;c.

Striking the flag or treacherously yielding.

Cowardice, non-observance of orders, &amp;c.

Neglecting to  
prepare for battle,  
&c.

Tenth. Or when commanding a fleet, squadron, or vessel acting singly, shall, upon the probability of an engagement, or on sight of any armed vessel of an enemy or rebel, neglect to prepare and clear his ship for action; or shall not, upon signal for battle, use his utmost exertions to join in battle, or shall fail to encourage in his own person his inferior officers and men to fight courageously; or shall not do his utmost to overtake and capture or destroy any vessel which it is his duty to encounter; or shall not afford all practicable relief and assistance to vessels belonging to the United States or their allies when engaged in battle.

#### ARTICLE 4.

Spies.

Spies, and all persons who shall come or be found in the capacity of spies, or who shall bring or deliver any seducing letter or message from an enemy or rebel, or endeavor to corrupt any person in the navy to betray his trust, shall suffer death or such other punishment as a court-martial shall adjudge.

#### ARTICLE 5.

Murder.

The crime of murder, when committed by an officer, seaman, or marine, or other person belonging to any public ship or vessel of the United States, without the territorial jurisdiction of the same, may be punished with death by the sentence of a court-martial.

#### ARTICLE 6.

Substitution of  
imprisonment for  
death penalty.

Prisons.

Discipline and  
treatment of pris-  
oners.

In any case where a naval court-martial is authorized to adjudge the punishment of death it may sentence the person convicted to imprisonment for life, or for a stated term at hard labor, and such sentences of imprisonment and hard labor may be carried into execution in any prison or penitentiary under the control of the United States, or the use of which shall be allowed by the legislature of a State; and persons convicted by a court-martial and imprisoned, in the prison or penitentiary of any State or Territory shall in all respects be subject to the same discipline and treatment and under the same control as convicts sentenced by the courts of the State or Territory in which such prison or penitentiary is situated.

#### ARTICLE 7.

Punishments for

Cruelty, &c.

Profanity, false-  
hood, &c.

Such punishment as a court-martial shall adjudge may be inflicted on any person in the navy:

First. Who shall be guilty of cruelty, oppression, or maltreatment of those subject to his orders;

Second. Or shall be guilty of profane swearing, falsehood, drunkenness, gambling, fraud, theft, or any other scandalous conduct tending to the destruction of good morals;

Third. Or shall quarrel with, strike, or assault any other person in the navy, or use provoking or reproachful words, gestures, or menaces, or endeavor to foment quarrels between other persons in the navy, or send or accept a challenge to fight a duel, or act as second in a duel; Quarrelling and duelling.

Fourth. Or shall treat with contempt his superior officer, or be disrespectful to him in language or deportment whilst in the execution of his office; or shall join in or abet any combination to weaken the lawful authority of, or lessen the respect due to, his commanding officer; Contempt of superior officer.

Fifth. Or shall be negligent or careless in obeying orders, or culpably inefficient in the performance of duty; Negligence.

Sixth. Or shall knowingly make or sign, or shall aid, abet, direct, or procure the making or signing of any false muster, or shall execute, or attempt or countenance any fraud,\* against the United States, or shall waste, embezzle, or fraudulently buy, sell, or receive any ammunition, provisions, or other public stores, or, having the power to prevent it, shall knowingly permit such waste, embezzlement, sale, or receipt; False musters, frauds, and embezzlement.

Seventh. Or shall, through inattention or negligence, suffer any vessel of the navy to be stranded or run upon a rock or shoal, or hazarded; Negligent stranding of vessels.

Eighth. Or shall, when on shore, plunder, abuse, or maltreat any inhabitant, or injure his property in any way; Plundering persons on shore, &c.

Ninth. Or shall refuse or fail to use his utmost exertions to detect, apprehend, and bring to punishment all offenders, and aid and assist all persons appointed for the purpose; Refusing to apprehend offenders, &c.

Tenth. Or shall, in time of peace, desert or attempt to desert, or aid or entice others to desert; or shall be absent from his station or duty without leave, or after his leave shall have expired; Desertion in time of peace—absence without leave.

Eleventh. Or shall, when rated or acting as master-at-arms, refuse to receive such prisoners as shall be committed to his charge, or, having received them, shall suffer them to escape, or dismiss them without orders from the proper authority; Master-at-arms refusing to do his duty towards prisoners.

Twelfth. Or shall, when attached to any ship or vessel appointed as convoy to merchant or other vessels, fail diligently to perform his duty, or shall demand or exact any compensation for his services, or shall maltreat the officers or crews of such merchant or other vessels; Negligence in convoy service, &c.

Thirteenth. Or shall take, receive, or permit to be received on board the vessel to which he is attached, any goods or merchandise for freight, sale, or traffic, except gold, silver, or jewels, for freight or safe-keeping, or shall demand or receive any compensation for the receipt or transportation of any other article than gold, silver, or jewels, without authority from the President of the United States or the Secretary of the Navy; Receiving articles on board ship for freight, sale, or traffic.

\* See act of March 2, 1863, to prevent and punish frauds upon the government of the United States.

Violation of law-  
ful general orders  
or regulations.

Fourteenth. Or shall violate or refuse obedience to any lawful general order or regulation issued by the Secretary of the Navy.

## ARTICLE 8.

Punishment for  
offences not speci-  
fied herein.

All offences committed by persons belonging to the navy, which are not specified in the foregoing articles, shall be punished as a court-martial shall direct; but in no case shall punishment by flogging be inflicted, nor shall any court-martial adjudge punishment by flogging.

Flogging forbid-  
den.

## ARTICLE 9.

Punishment for  
offences on shore.

All offences committed by persons belonging to the navy, while on shore, shall be punished in the same manner as if they had been committed at sea.

## ARTICLE 10.

Suspension of  
officers from duty  
by commanding  
officer.

No commander of a vessel of the navy shall inflict any other punishment upon a commissioned or warrant officer than private reprimand, suspension from duty, arrest, or confinement, neither of which shall continue longer than ten days, except a further period be necessary to bring the offender to a court-martial; nor shall he inflict, or cause or permit to be inflicted, upon any petty officer or person of inferior rating, or marine, any punishment for a single offence, or at any one time, other than one of the following punishments, viz:

Punishment of  
petty officers and  
others of inferior  
rating, by com-  
manding officer,  
defined.

First. Reduction of any rating established by himself.

Second. Confinement with or without irons, single or double, such confinement not to exceed ten days, unless necessary in the case of a prisoner to be tried by court-martial.

Third. Solitary confinement on bread and water not exceeding five days.

Fourth. Solitary confinement not exceeding seven days.

Fifth. Deprivation of liberty on shore.

Sixth. Extra duties.

No other punish-  
ment except by  
sentence at gene-  
ral or summary  
court-martial.

No other punishment shall be permitted on board of vessels belonging to the navy, except by sentence of a general or summary court-martial. Summary courts-martial may disrate any rated person for incompetency. All punishments inflicted by the commander, or by his order, except reprimands, shall be fully entered upon the ship's log.

## ARTICLE 11.

General courts-  
martial.

General courts-martial may be convened as often as the President of the United States, the Secretary of the Navy, or commander-in-chief of a fleet or a squadron, shall deem it necessary: *Provided*, That in the waters of the United States no commander-in-chief of a fleet or squadron shall convene a

general court-martial unless by express authority from the President of the United States: *Provided, also,* That no general court-martial shall consist of more than thirteen nor less than five commissioned officers as members; and as many officers shall be summoned on every such court as can be convened without injury to the service, so as not to exceed thirteen; and the senior officer shall always preside, the others taking place according to their rank; and in no case where it can be avoided without injury to the service shall more than one-half the members, exclusive of the president, be junior to the officer to be tried.

Of whom they shall consist.

Presiding officer.

#### ARTICLE 12.

The president of the court is authorized and required to administer the following oath or affirmation to the judge advocate or person officiating as such:

Oath to judge advocate.

"I, A B, do swear (or affirm) that I will keep a true record of the evidence given to and the proceedings of this court; nor will I divulge or by any means disclose the sentence of the court until it shall have been approved by the proper authority; nor will I at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

This oath or affirmation being duly administered, each member of the court, before proceeding to trial, shall take the following oath or affirmation, which the judge advocate, or person officiating as such, is hereby authorized to administer:

Oath to members.

"I, A B, do swear (or affirm) that I will truly try, without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the rules for the government of the navy, and my own conscience; and that I will not by any means divulge or disclose the sentence of the court until it shall have been approved by the proper authority, nor will I at any time divulge or disclose the vote or opinion of any particular member of the court unless required so to do before a court of justice in due course of law."

#### ARTICLE 13.

All testimony given to a general court-martial shall be on oath or affirmation, which the president of the court is hereby authorized to administer; and if any person shall refuse to give his evidence as aforesaid, or shall prevaricate, or shall behave with contempt to the court, it shall and may be lawful for the court to imprison such offender at their discretion: *Provided,* That the imprisonment in no case shall exceed two months. And every person who shall commit wilful perjury on examination on oath or affirmation before such

Testimony.

Contempt to court.

Perjury and subornation of.

court, or who shall corruptly procure, or suborn, any person to commit such wilful perjury, shall and may be prosecuted by indictment or information in any court of justice of the United States, and shall suffer such penalties as are authorized by the laws of the United States in cases of perjury, or the subornation thereof. And in every prosecution for perjury, or the subornation thereof, under this act, it shall be sufficient to set forth the offence charged on the defendant, without setting forth the authority by which the court was held, or the particular matters brought or intended to be brought before said court.

## ARTICLE 14.

Oath to witnesses.  
es.

The following oath shall be administered to witnesses before courts-martial and courts of inquiry :

“ You do solemnly swear (or affirm, as the case may be) that the evidence you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, and that you will state everything within your knowledge and recollection in relation to the charges. So help you God;” (or this you do under the pains and penalties of perjury.)

## ARTICLE 15.

Charges.

The person accused shall be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest; nor shall any other charges than those so exhibited be urged against the person to be tried before the court, unless it appear to the court that intelligence of such charge had not reached the officer ordering the court when the person so tried was put under arrest, or that some witness material to the support of such charge, who was at that time absent, can be produced, in which case reasonable time shall be given to the person to be tried to make his defence against such new charge. Every officer so arrested is to deliver up his sword to his commanding officer, and to confine himself to the limits assigned him, under the pain of dismissal from the service.

Duty of arrested  
officer.

## ARTICLE 16.

Suspension of  
proceedings.

When the proceedings of any general court-martial shall have commenced, they shall not be suspended or delayed on account of the absence of any of the members, provided five or more be assembled; but the court is enjoined to sit from day to day, Sundays excepted, until sentence be given, unless temporarily adjourned by the authority which convened the court. And no member of said court shall, after the proceedings are begun, absent himself therefrom, unless in case of sickness or orders to go on duty from a superior officer, on pain of being cashiered.

Absence of mem-  
bers.

## ARTICLE 17.

If a member of a court-martial shall, from any legal cause, fail to attend after the commencement of a case, and witnesses shall be examined during his absence, the court must, when he is ready to resume his seat, cause every person who may have been examined in his absence to be called into court, and the recorded testimony of each witness must be read over to him, and such witness must acknowledge the same to be correct, and be subject to such further examination as the said member may require; and without a compliance with this rule, and an entry of it upon the record, a member who shall have been absent during the examination of a witness shall not be allowed to sit again in that particular case.

Legal absence of members.

Proceedings on resuming seat.

## ARTICLE 18.

Whenever a court-martial shall sentence an officer to be suspended, the court shall have the power to suspend his pay and emoluments for the whole or any part of the time of his suspension.

Suspension of pay and emoluments.

## ARTICLE 19.

All sentences of courts-martial which shall extend to the loss of life shall require the concurrence of two-thirds of the members present, and no such sentence shall be carried into execution until confirmed by the President of the United States. All other sentences may be determined by a majority of votes, and carried into execution on confirmation of the commander of the fleet, or officer ordering the court, except such as go to the dismissal of a commissioned or warrant officer, which are first to be approved by the President of the United States.

Sentence to loss of life.

Other sentences.

## ARTICLE 20.

Every officer who is by this act authorized to convene courts-martial shall have power, on revision of its proceedings, to remit or mitigate, but not to commute, the sentence of any such court, which by this act he is authorized to approve and confirm.

Revision, remittance, and mitigation.

## ARTICLE 21.

It shall be the duty of a court-martial, in all cases of conviction, to adjudge a punishment adequate to the character and nature of the offence committed; but the members of a court may recommend the person convicted as deserving of clemency, and state on the record their reasons for so doing.

Adequate punishment.



## ARTICLE 22.

**Authentication of judgment.** The judgment of every court-martial shall be authenticated by the signature of the president, and all the members of the same who may be present when the said judgment shall be pronounced, and also of the judge advocate.

## ARTICLE 23.

**Courts of inquiry.** Courts of inquiry may be ordered by the President of the United States, the Secretary of the Navy, or the commander of a fleet or squadron, provided such court shall not consist of more than three members, who shall be commissioned officers, and a judge advocate, or person to do duty as such; and such courts shall have power to summon witnesses, administer oaths, and punish contempt, in the same manner as courts-martial. But such court shall merely state facts, and not give their opinion unless expressly required so to do in the order for convening; and the party whose conduct shall be the subject of inquiry, or his attorney, shall have permission to cross-examine all the witnesses.

**How composed, their powers and duties.**

**Privileges of party whose conduct is under inquiry.**

## ARTICLE 24.

**Authentication of proceedings.** The proceedings of the courts of inquiry shall be authenticated by the signature of the president of the court and judge advocate, and shall, in all cases not capital, or extending to the dismissal of a commissioned or warrant officer, be evidence before a court-martial, provided oral testimony cannot be obtained.

**Proceedings evidence before a court-martial.**

## ARTICLE 25.

**Oath to members.** The judge advocate, or person officiating as such, shall administer to the members the following oath or affirmation:  
 "You do swear (or affirm) well and truly to examine and inquire, according to the evidence, into the matter now before you, without partiality or prejudice."

**Oath to judge advocate.** After which the president shall administer to the judge advocate, or person officiating as such, the following oath or affirmation:

"You do swear (or affirm) truly to record the proceedings of this court and the evidence to be given in the case in hearing."

[SEC. 2. Repealed by act of June 30, 1864.]

[Section 3, regulating distribution of prize money, and section 4, relative to bounty on vessels captured, &c., are superseded by sections 10 and 11 of the act of June 30, 1864.]

SEC. 5. *And be it further enacted,* That the commanding officer of every vessel, or the senior officers of all vessels of

the navy, which shall capture or seize upon any vessel or vessels as a prize, shall carefully preserve all the papers and writings found on board, and transmit the whole of the originals, unmutilated, to the judge of the district to which such prize is ordered to proceed, with the necessary witnesses, and a report of the circumstances attending the capture, stating the names of vessels claiming a share thereof; and the commanding officer of every vessel in the navy entitled to or claiming an award of prize money shall, as early as practicable after the capture, transmit to the Navy Department a complete list of the officers and men of his vessel entitled to share, inserting thereon the quality of every person rating, on pain of forfeiting his whole share of the prize money resulting from such capture, and suffering such further punishment as a court-martial shall adjudge.

Papers and writings found on board vessels seized as prize to be preserved, &c.

Vessels claiming a share to be reported.

Complete lists of officers and men to be furnished.

[Section 6 repealed by act of June 30, 1864.]

SEC. 7. *And be it further enacted*, That no person in the navy shall take out of a prize, or vessel seized as a prize, any money, plate, goods, or any part of her equipment, unless it be for the better preservation thereof, or absolutely necessary for the use of any of the vessels or armed forces of the United States, before the same shall be adjudged lawful prize by a competent court; but the whole, without fraud, concealment, or embezzlement, shall be brought in, and judgment passed thereon, upon pain that every person offending herein shall forfeit his share of the capture, and suffer such further punishment as a court-martial shall adjudge.

Articles not to be taken out of the prize unless for use of vessels or armed forces of U. S.

SEC. 8. *And be it further enacted*, That no person in the navy shall strip off the clothes, or pillage, or in any manner maltreat persons taken on board a prize, on pain of such punishment as a court-martial shall adjudge.

Persons on board not to be pillaged or maltreated.

SEC. 9. *And be it further enacted*, That all ransom money, salvage, bounty, or proceeds of forfeiture or confiscation, accruing or awarded to any vessel of the navy, shall be distributed and paid to the officers and men entitled thereto in the same manner as prize money, under the direction of the Secretary of the Navy.

Ransom money, salvage bounty, &c.

[Section 10 superseded by section 12 act of June 30, 1864.]

SEC. 11. *And be it further enacted*, That all money accruing, or which has already accrued to the United States from sale of prizes, shall be and remain forever a fund for the payment of pensions to the officers, seamen, and marines who may be entitled to receive the same; and if the said fund shall be insufficient for the purpose, the public faith is hereby pledged to make up the deficiency; but if it should be more than sufficient, the surplus shall be applied to the making of further provision for the comfort of the disabled officers, seamen, and marines.

Money accruing to U. S. from sale of prizes to form a pension fund.

[Section 12 repealed by act of June 30, 1864.]

SEC. 13. *And be it further enacted*, That every officer, seaman, or marine, disabled in the line of his duty, shall be

Pensions for disability.

entitled to receive for life, or during his disability, a pension from the United States, according to the nature and degree of his disability, not exceeding in any case his monthly pay.\*

Authority of officers to continue over the crews of lost vessels.

SEC. 14. *And be it further enacted,* That in all cases where the crews of the ships or vessels of the United States shall be separated from their vessels, by the latter being wrecked, lost, or destroyed, all the command, power, and authority given to the officers of such ships or vessels shall remain and be in full force as effectually as if such ship or vessel were not so wrecked, lost, or destroyed, until such ship's company be regularly discharged from or ordered again into the service, or until a court-martial or court of inquiry shall be held to inquire into the loss of such ship or vessel; and if, by the sentence of such court, or other satisfactory evidence, it shall appear to the Secretary of the Navy that all or any of the officers and men of such ship's company did their utmost to preserve her, and after the loss thereof behaved themselves agreeably to the discipline of the navy, then the pay and emoluments of such officers and men, or such of them as shall have done their duty, as aforesaid, shall go on until their discharge or death; and every officer or man who shall, after the loss of such vessel, act contrary to the discipline of the navy, shall be punished, at the discretion of a court-martial, in the same manner as if such vessel had not been so lost.

Pay and emoluments to continue to those who did their duty.

Punishment for violating discipline of navy.

When vessels are taken by the enemy, pay and emoluments to continue to such as did their duty, &c.

SEC. 15. *And be it further enacted,* That all the pay and emoluments of the officers and men of any of the ships or vessels of the United States taken by an enemy, who shall appear by the sentence of a court-martial, or otherwise, to have done their utmost to preserve and defend their ship or vessel, and after the taking thereof have behaved themselves obediently to their superiors, agreeably to the discipline of the navy, shall go on, and be paid them until their death, exchange, or discharge.

Entries to be made of men received on board, &c.

SEC. 16. *And be it further enacted,* That each commanding officer shall, whenever a man enters on board, cause an accurate entry to be made in the ship's books of his name, the date, place, and term of his enlistment, the place or vessel from which he was received on board, his rating, and his descriptive list, to include his age, place of birth, and citizenship, with such remarks as may be necessary; and shall, before sailing, transmit to the Secretary of the Navy a complete list or muster-roll of the rated men under his command, showing the particulars above set forth, and also a list of officers and passengers, with the date of their entering; and he shall cause similar lists to be made out on the first day of every third month, to be transmitted to the Secretary of the Navy, as opportunities shall occur; accounting in such lists or

Muster-roll to be transmitted to Secretary of the Navy before vessel sails.

Similar lists to be made out on first of every third month.

\* The rate of pension for "total disability" is prescribed in the 1st section of the act of July 14, 1862; and the acts of July 4, 1864, section 5, and March 3, 1865, section 2, prescribe the rate of pension for persons who have lost hands, feet, or eyes in the line of duty.

muster-rolls for any casualties which may have taken place since the last list or muster-roll. He shall not receive on board any man transferred from any other vessel or station to him unless such man be furnished with an account, signed by the captain and paymaster of the vessel or station from which he came, specifying the date of his entry, the period and term of service, the sums paid, the balance due him, the quality in which he was rated, and his descriptive list. He shall cause to be accurately minuted on the ship's books the names of and times at which any death or desertion may occur; and in case of death, shall take care that the paymaster secure all the property of the deceased, for the benefit of his legal representative or representatives. He shall cause frequent inspections to be made into the condition of the provisions, and use every precaution for their preservation. He shall, whenever he orders officers and men to take charge of a prize and proceed to the United States, and whenever officers or men are sent from his ship, for whatever cause, take care that each man be furnished with a complete statement of his account, specifying the date of his enlistment, the periods and terms of his service, and his descriptive list; which account shall be signed by the commanding officer and paymaster. He shall cause the articles for the government of the navy to be hung up in some public part of the ship, and read once a month to his ship's company. He shall cause a convenient place to be set apart for sick or disabled men, to which he shall have them removed, with their hammocks and bedding, when the surgeons shall so advise, and shall direct that some of the crew attend them and keep the place clean. He shall frequently consult with the surgeon in regard to the sanitary condition of his crew, and shall use all proper means to preserve their health; and when his crew is finally paid off he shall attend in person, or appoint a proper officer, to see that justice be done to the men and to the United States in the settlement of the accounts. Any commanding officer offending herein shall be punished at the discretion of a court-martial.

Sec. 17. *And be it further enacted,* That it shall be the duty of the commanding officer of any fleet, squadron, or vessel acting singly, when on service, to send to an Atlantic port of the United States, in some public or other vessel, all petty officers and persons of inferior ratings desiring to go there, at the expiration of their terms of service, or as soon thereafter as may be, unless in his opinion the detention of such persons for a longer period should be very essential to the public interests; in which case he may detain them, or any of them, until the vessel to which they belong shall return to such Atlantic port; and in case of such detention the person so sent home, or so detained, shall be subject in all respects to the laws and regulations for the government of the navy, until their return to an Atlantic port, and their regular

No man to be received on board without his accounts.

Deaths and desertions to be minuted on ship's books.

Inspection of provisions.

Officers and men sent from ship to be furnished with their accounts.

Articles for government of the navy to be hung up.

Conveniences for the sick to be provided.

Sanitary condition of crew.

Final paying off.

Petty officers and persons of inferior rating to be sent home on expiration of service

When they may be detained, and how long.

Additional pay when detained.

discharge; and all persons who shall be so detained beyond their terms of service, or who shall, after the termination of their service, voluntarily re-enter to serve until the return to an Atlantic port of the vessel to which they belong, and their regular discharge therefrom, shall, for the time during which they are so detained, or shall so serve beyond their original terms of service, which shall in no case exceed thirty days after their arrival in an Atlantic port, receive an addition of one-fourth of their former pay: *Provided*, That the shipping articles shall hereafter contain the substance of this section.

Petty officers defined.

SEC. 18. *And be it further enacted*, That all officers not holding commissions or warrants, or who are not entitled to them, except such as are temporarily appointed to the duties of a commissioned or warrant officer, or secretaries and clerks, shall be deemed petty officers, and shall be entitled to obedience, in the execution of their offices, from those of inferior ratings.

Copies of regulations and orders to be furnished of ficers.

SEC. 19. *And be it further enacted*, That the Secretary of the Navy shall cause each commissioned or warranted officer of the navy, on his entry into the service, to be furnished with a copy of the regulations and general orders of the department then in force, and thereafter with a copy of all such as may be issued.

Repealing section.

SE . 20. *And be it further enacted*, That all provisions of previous laws which are inconsistent with those of this act shall be, and are hereby, repealed.

Approved July 17, 1862. (Vol. 12, p. 600.)

AN ACT to amend an act entitled "An act to amend an act entitled 'An act in addition to the acts prohibiting the slave trade.'" \*

The President may arrange for the employment, &c., in the West Indies or other tropical regions, of negroes seized on board slave vessels.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall and may be lawful for the President of the United States to enter into arrangement, by contract or otherwise, with one or more foreign governments, having possessions in the West Indies or other tropical regions, or with their duly constituted agent or agents, to receive from the United States, for a term not exceeding five years, at such place or places as shall be agreed upon, all negroes, mulattoes, or persons of color delivered from on board vessels seized in the prosecution of the slave trade by commanders of United States armed vessels, and to provide them with suitable instruction, and with comfortable clothing and shelter, and to employ them, at wages, under such regulations as shall be agreed upon, for a period not exceeding five years from the date of their being landed at the place or places agreed upon: *Provided*, That the United States incur no expenses on account of said negroes,

No expenses after landing.

\* Acts of March 3, 1819, and June 16, 1860.

mulattoes, or persons of color after having landed them at the place or places agreed upon: *And provided, further, That* any arrangement so made as aforesaid may be renewed by the President of the United States from time to time, as may be found necessary or desirable, for periods not exceeding five years on each renewal.

Arrangement may be renewed from time to time.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized to issue instructions to the commanders of the armed vessels of the States, directing them, whenever it shall be practicable, and under such rules and regulations as he shall prescribe, to proceed directly to such place or places as shall have been agreed upon with any foreign government, or its duly constituted agent or agents, under the provisions of the first section of this act, and there deliver to the duly constituted authorities, or agents of such foreign governments, all negroes, mulattoes, or persons of color delivered from on board vessels seized in the prosecution of the slave trade, afterwards taking the vessel and persons engaged in prosecuting the slave trade to the proper place for trial and adjudication.

Commanders of armed vessels may be ordered to go directly to such islands, &c.

Approved July 17, 1862. (Vol. 12, p. 592.)

AN ACT to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every person who shall hereafter commit the crime of treason against the United States, and shall be adjudged guilty thereof, shall suffer death, and all his slaves, if any, shall be declared and made free; or, at the discretion of the court, he shall be imprisoned for not less than five years, and fined not less than ten thousand dollars, and all his slaves, if any, shall be declared and made free; said fine shall be levied and collected on any or all of the property, real and personal, excluding slaves, of which the said person so convicted was the owner at the time of committing the said crime, any sale or conveyance to the contrary notwithstanding.

Punishment for treason against the United States.

SEC. 2. *And be it further, enacted,* That if any person shall hereafter incite, set on foot, assist, or engage in any rebellion or insurrection against the authority of the United States, or the laws thereof, or shall give aid or comfort thereto, or shall engage in, or give aid and comfort to, any such existing rebellion or insurrection, and be convicted thereof, such person shall be punished by imprisonment for a period not exceeding ten years, or by a fine not exceeding ten thousand dollars, and by the liberation of all his slaves, if any he have; or by both of said punishments, at the discretion of the court.

Punishment for engaging in or inciting rebellion or insurrection.

Persons guilty of either offence disqualified from holding office under the U. States.

SEC. 3. *And be it further enacted,* That every person guilty of either of the offences described in this act shall be forever incapable and disqualified to hold any office under the United States.

\* \* \* \* \*

Approved July 17, 1862. (Vol. 12, p. 589.)

JOINT RESOLUTION tendering the thanks of Congress to Commander John L. Worden, of the United States navy,

Thanks of Congress to Commander John L. Worden.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in pursuance of the recommendation of the President of the United States, and to enable him to advance Commander John L. Worden one grade, in pursuance of the ninth section of the act of Congress of sixteenth July, eighteen hundred and sixty-two, the thanks of Congress be, and they are hereby, tendered to Commander John L. Worden for highly distinguished conduct in conflict with the enemy in the remarkable battle between the United States iron-clad steamer Monitor, under his command, and the rebel iron-clad frigate Merrimac, in March, eighteen hundred and sixty-two.

Approved February 3, 1863. (Vol. 12, p. 823.)

AN ACT in relation to commissioned officers of the United States revenue cutter service.

\* \* \* \* \*

Rank of officers of the revenue service when serving with the navy.

SEC. 4. *And be it further enacted,* That the officers of the revenue cutter service, when serving in accordance with law as part of the navy, shall be entitled to relative rank as follows: Captains, with and next after lieutenants commanding in the navy; first lieutenants, with and next after lieutenants in the navy; second lieutenants, with and next after masters-in-line in the navy; third lieutenants, with and next after passed midshipmen in the navy: *Provided,* That no change of rank by this bill shall increase the pay to which such officer is now entitled by law.

Pay.

Approved February 4, 1863. (Vol. 12, p. 639.)

JOINT RESOLUTION tendering the thanks of Congress to Commodore Charles Henry Davis and other officers of the navy, in pursuance of the recommendation of the President of the United States.

Thanks to—Com. Charles H. Davis,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the thanks of Congress be, and they are hereby, given to the

following officers of the United States navy, upon the recommendation of the President of the United States, viz: Commodore Charles Henry Davis, for distinguished services in conflict with the enemy at Fort Pillow, at Memphis, and for successful operations at other points in the waters of the Mississippi river; Captain John A. Dahlgren, for distinguished service in the line of his profession, improvements in ordnance, and zealous and efficient labors in the ordnance branch of the service; Captain Stephen C. Rowan, for distinguished services in the waters of North Carolina, and particularly in the capture of Newbern, being in chief command of the naval forces; Commander David D. Porter, for the bravery and skill displayed in the attack on the post of Arkansas, which surrendered to the combined military and naval forces on the tenth of January, eighteen hundred and sixty-three; Rear-Admiral Silas H. Stringham, now on the retired list, for distinguished services in the capture of Forts Hatteras and Clark; and that a copy of this resolution be forwarded to each of the above officers by the President of the United States.

Commodore C. H. Davis.

Capt. John A. Dahlgren.

Capt. Stephen C. Rowan.

Comm'dr David D. Porter.

Rear Admiral Silas H. Stringham.

Approved February 7, 1863. (Vol. 12, p. 823.)

AN ACT making appropriations for the support of the army for the year ending the thirtieth of June, eighteen hundred and sixty-four, and for a deficiency for the signal service for the year ending June thirty, eighteen hundred and sixty-three.

\* \* \* \* \*

SEC. 2 *And be it further enacted*, That no money shall be paid from the treasury of the United States to any person acting or assuming to act as an officer, civil, military, or naval, as salary in any office, which office is not authorized by some previously existing law, unless where such office shall be subsequently sanctioned by law, nor shall any money be paid out of the treasury, as salary, to any person appointed during the recess of the Senate to fill a vacancy in any existing office, which vacancy existed while the Senate was in session, and is by law required to be filled by and with the advice and consent of the Senate, until such appointee shall have been confirmed by the Senate.

No money to be paid as salaries to offices not authorized by law.

Nor to persons appointed to fill certain vacancies.

Approved February 9, 1863. (Vol. 12, p. 646.)

JOINT RESOLUTION to compensate the sailors on the gunboat Cairo for loss of clothing.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the accounts of the petty officers,

Remuneration to petty officers and others of the gunboat Cairo for loss of clothing.



seamen, sailors, and others of the crew of the United States gunboat Cairo, to allow to each a sum not exceeding fifty dollars as a remuneration for the damage they may have sustained in the loss of their clothing by the destruction of said vessel in December last.\*

Approved February 13, 1863. (Vol. 12, p. 824.)

AN ACT temporarily to supply vacancies in the executive departments in certain cases.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That*

Vacancies in executive departments—how filled. in case of the death, resignation, absence from the seat of government, or sickness, of the head of any executive department of the government, or of any officer of either of the said departments whose appointment is not in the head thereof, whereby they cannot perform the duties of their respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize the head of any other executive department, or other officer in either of said departments whose appointment is vested in the President, at his discretion, to perform the duties of the said respective offices until a successor be appointed, or until such absence or inability by sickness shall cease: *Provided*, That no one vacancy shall be supplied in manner aforesaid for a longer term than six months.

For what time.

Repealing clause. SEC. 2. *And be it further enacted*, That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved February 20, 1863. (Vol. 12, p. 656.)

AN ACT making appropriations for the legislative, executive, and judicial expenses of the government for the year ending thirtieth of June, eighteen hundred and sixty-four, and for the year eighteen hundred and sixty-three, and for other purposes.

Additional clerical force authorized for the Navy Department.

\* \* \* \* \*

SEC. 2. *And be it further enacted*, That, in addition to the clerical force now authorized by law, the following clerks and employes are hereby authorized in the several departments and offices hereinafter specified, to be employed and continue only during the rebellion, and for one year after its close, viz:

\* \* \* \* \*

In the office of the Secretary of the Navy, three clerks of the first class and three of the second class.

In the Ordnance Bureau of the navy, one chief clerk and three clerks of the second class.

\* By the act of May 21, 1864, \$8,250 were appropriated for this purpose.

In the Bureau of Provisions and Clothing, two clerks of the first class and two of the second class.

In each of the Bureaus of Medicine and Surgery, Equipment and Recruiting, and Navigation, one laborer, at an annual salary of six hundred dollars.

Laborers.

In the Navy Department, two additional night watchmen, each at an annual salary of six hundred dollars.

Additional watchmen.

\* \* \* \* \*

Approved February 25, 1863. (Vol. 12, p. 682.)

AN ACT to prevent correspondence with rebels.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any person, being a resident of the United States, or being a citizen thereof, and residing in any foreign country, shall, without the permission or authority of the government of the United States, and with the intent to defeat the measures of the said government, or to weaken in any way their efficacy, hold or commence, directly or indirectly, any correspondence or intercourse, written or verbal, with the present pretended rebel government, or with any officer or agent thereof, or with any other individual acting or sympathizing therewith; or if any such person above mentioned, not duly authorized, shall counsel or assist in any such correspondence or intercourse, with intent as aforesaid, he shall be deemed guilty of a high misdemeanor, and, on conviction before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding ten thousand dollars, and by imprisonment not less than six months nor exceeding five years.

Correspondence with rebel government or its officers and agents by citizens of the U. S.

Penalty.

SEC. 2. *And be it further enacted,* That where the offence is committed in any foreign country, the district court of the United States for the district where the offender shall be first arrested shall have jurisdiction thereof.

Court of jurisdiction for such offence.

Approved February 25, 1863. (Vol. 12, p. 696.)

AN ACT to prevent and punish frauds upon the government of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person in the land or naval forces of the United States or in the militia in actual service of the United States in time of war, who shall make or cause to be made, or present or cause to be presented, for payment or approval to or by any person or officer in the civil or military service of the United States, any claim upon or against the government of the United States, or any department or officer thereof, knowing

Persons in the land or naval forces of the U. S., or in the militia, in actual service of the U. S. in time of war, making false claims.

Making or using false bills, vouchers, &c.

Making false oaths to facts, statements, &c.

Forging and counterfeiting signatures to bills, &c.

Conspiring to cheat or defraud the government.

Stealing and embezzling or misappropriating public property.

Concealing or falsely delivering public property.

Making and delivering certificates and receipts with intent to defraud, &c.

such claim to be false, fictitious, or fraudulent; any person in such forces or service who shall, for the purpose of obtaining or aiding in obtaining the approval or payment of such claim, make, use, or cause to be made or used, any false bill, receipt, voucher, entry, roll, account, claim, statement, certificate, affidavit, or deposition, knowing the same to contain any false or fraudulent statement or entry; any person in said forces or service who shall make or procure to be made, or knowingly advise the making of any false oath to any fact, statement, or certificate, voucher or entry, for the purpose of obtaining or of aiding to obtain any approval or payment of any claim against the United States or any department or officer thereof; any person in said forces or service who, for the purpose of obtaining or enabling any other person to obtain from the government of the United States or any department or officer thereof, any payment or allowance, or the approval or signature of any person in the military, naval, or civil service of the United States, of or to any false, fraudulent, or fictitious claim, shall forge or counterfeit or cause or procure to be forged or counterfeited any signature upon any bill, receipt, voucher, account, claim, roll, statement, affidavit, or deposition; and any person in said forces or service who shall utter or use the same as true or genuine, knowing the same to have been forged or counterfeited; any person in said forces or service who shall enter into any agreement, combination, or conspiracy to cheat or defraud the government of the United States or any department or officer thereof by obtaining or aiding and assisting to obtain the payment or allowance of any false or fraudulent claim; any person in said forces or service who shall steal, embezzle, or knowingly and wilfully misappropriate or apply to his own use or benefit, or who shall wrongfully and knowingly sell, convey, or dispose of any ordnance, arms, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or to be used for the military or naval service of the United States; any contractor, agent, paymaster, quartermaster, or other person whatsoever in said forces or service having charge, possession, custody, or control of any money or other public property, used or to be used in the military or naval service of the United States, who shall, with intent to defraud the United States or wilfully to conceal such money or other property, deliver or cause to be delivered to any other person having authority to receive the same any amount of such money or other public property less than that for which he shall receive a certificate or receipt; any person in said forces or service who is or shall be authorized to make or deliver any certificate, voucher, or receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other public property so used or to be used, who shall make or deliver the same to any person without having full knowledge of the truth of the facts stated

therein, and with intent to cheat, defraud, or injure the United States; any person in said forces or service who shall knowingly purchase or receive, in pledge for any obligation or indebtedness, from any soldier, officer, or other person called into or employed in said forces or service, any arms, equipments, ammunition, clothes, or military stores, or other public property, such soldier, officer, or other person, not having the lawful right to pledge or sell the same, shall be deemed guilty of a criminal offence, and shall be subject to the rules and regulations made for the government of the military and naval forces of the United States, and of the militia when called into and employed in the actual service of the United States in time of war, and to the provisions of this act. And every person so offending may be arrested and held for trial by a court-martial, and if found guilty, shall be punished by fine and imprisonment, or such other punishment as the court-martial may adjudge, save the punishment of death.

Purchasing, or receiving, in pledge, public property from unauthorized persons.

To be deemed guilty of a criminal offence and to be liable to trial by court-martial, fine, and imprisonment.

SEC. 2. *And be it further enacted*, That any person heretofore called or hereafter to be called into or employed in such forces or service, who shall commit any violation of this act and shall afterwards receive his discharge, or be dismissed from the service, shall, notwithstanding such discharge or dismissal, continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge or been dismissed.

Discharge or dismissal from service not to relieve from trial, &c.

SEC. 3. *And be it further enacted*, That any person not in the military or naval forces of the United States, nor in the militia called into or actually employed in the service of the United States, who shall do or commit any of the acts prohibited by any of the foregoing provisions of this act, he shall forfeit and pay to the United States the sum of two thousand dollars, and in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit, and every such person shall in addition thereto, on conviction in any court of competent jurisdiction, be punished by imprisonment not less than one nor more than five years, or by fine of not less than one thousand dollars, and not more than five thousand dollars.

Penalty for the offences enumerated when committed by persons not in military or naval forces, or the militia.

SEC. 4. *And be it further enacted*, That the several district courts of the United States, the circuit court of the District of Columbia, or any court therein to be established having general jurisdiction in civil cases, the several district courts of the Territories of the United States within whose jurisdictional limits the person doing or committing such act shall be found, shall, wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit. Such suit may be brought and

What courts shall have jurisdiction in such suits.

Institution of suits.

carried on by any person, as well for himself as for the United States; the same shall be at the sole cost and charge of such person, and shall be in the name of the United States, but shall not be withdrawn or discontinued without the consent, in writing, of the judge of the court and the district attorney, first filed in the case, setting forth their reasons for such consent.

Duties of the district attorneys under this act.

SEC. 5. *And be it further enacted*, That it shall be the duty of the several district attorneys of the United States for the respective districts, for the District of Columbia, and for the several Territories, to be diligent in inquiring into any violation of the provisions of this act by persons liable to such suit, and found within their respective districts or Territories, and to cause him or her to be proceeded against in due form of law for the recovery of such forfeiture and damages. And such person may be arrested and held to bail in such sum as the district judge may order, not exceeding the said sum of two thousand dollars, and twice the amount of the damages sworn to in the affidavit of the person bringing the suit.

Rights of prosecutor and of the U. S. in such suits.

SEC. 6. *And be it further enacted*, That the person bringing said suit and prosecuting it to final judgment shall be entitled to receive one-half the amount of such forfeiture, as well as one-half the amount of the damages he shall recover and collect; and the other half thereof shall belong to and be paid over to the United States; and such person shall be entitled to receive to his own use all costs the court may award against the defendant, to be allowed and taxed according to any provision of law or rule of court in force, or that shall be in force in suits between private parties in said court: *Provided*, That such person shall be liable for all costs incurred by himself in the case, and shall have no claim therefor on the United States.

Suits to commence within six years.

SEC. 7. *And be it further enacted*, That every such suit shall be commenced within six years from the doing or committing the act, and not afterwards.

Officers, &c., of corporations or firms not to act as agents for the government for transaction of business with such corporations, &c.

SEC. 8. *And be it further enacted*, That no officer or agent of any banking or other commercial corporation, and no member of any mercantile or trading firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation or firm; and every such *such* officer, agent, or member, or person, so interested, who shall so act, shall, upon conviction thereof, be punished by a fine of not more than two thousand dollars nor less than five hundred dollars, and by imprisonment for a term not exceeding two years.

Penalty.

Repealing and saving clause.

SEC. 9. *And be it further enacted*, That all acts and parts of acts inconsistent with or repugnant to any of the provisions of this act are hereby repealed, saving, however, and except-

ing any and all suits or prosecutions now commenced pending, and all rights of suit or prosecution under any prior act of Congress, on account of the doing or committing of any act hereby prohibited; and all rights and claims which the United States, or any person or persons, now have, growing out of such prior act; all which pending suits and prosecutions shall proceed and be determined, and all which rights and claims shall remain and be as valid and effectual as if this present act had not been passed; nor shall this act be so construed as in any way to impair or affect the obligation, duty, or liability of any person who now is or shall hereafter become the surety of any person contracting with the United States, or any officer or agent thereof; but every such surety shall be liable and answerable for the default of his principal in the same manner as if this act had not been passed, save to the extent to which his principal has performed the contract, or, if damages have been so recovered, to the extent of one-half of the damages so recovered and paid; which last amount may be shown in reduction of damages in any suit brought against the principal and surety, or principals and sureties, on their contract.

Obligation and liability of sureties to contractors or agents of the U.S.

Approved March 2, 1863. (Vol. 12, p. 696.)

JOINT RESOLUTION fixing the pay of the commandant of the navy yard at Mare island, California.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That* the pay of the officer of the navy assigned to the command of the navy yard at Mare island, California, shall be the sea-pay of his grade.

Pay of commandant of the navy yard at Mare island.

Approved March 3, 1863. (Vol. 12, p. 825.)

JOINT RESOLUTION authorizing the Secretary of the Navy to adjust the equitable claims of contractors for naval supplies, and regulating contracts with the Navy Department.

\* \* \* \* \*

SEC. 2. *And be it further resolved,* That the chief of any bureau of the Navy Department, in contracting for naval supplies, shall be at liberty to reject the offer of any person who, as principal or surety, has been a defaulter in any previous contract with the Navy Department; nor shall parties who have failed as principals or sureties in any former contract be received as sureties on other contracts; nor shall the copartners of any firm be received as sureties for such firm or for each other; nor, in contracts with the same bureau, shall one contractor be received as surety for another; and every contract shall require the delivery of a specified quan-

What bids may be rejected, who are not to be received as sureties, and who may be present at opening of bids.

tity, and no bids having nominal or fictitious prices shall be considered. That if more than one bid be offered by any one party, by or in the name of his or their clerk, partner, or other person, all such bids may be rejected;\* and no person shall be received as a contractor who is not a manufacturer of, or regular dealer in, the articles which he offers to supply, who has not a license as such manufacturer or dealer. And all persons offering bids shall have the right to be present when the bids are opened and inspect the same.

\* \* \* \* \*

Approved March 3, 1863. (Vol. 12, p. 828.)

JOINT RESOLUTION to compensate the crew of the United States steamer Monitor for clothing and other property lost in the public service.†

Credits to petty officers and others of the Monitor for loss of clothing, &c.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the accounts of the petty officers, seamen, and others of the crew of the United States steamer Monitor, which was wrecked near Cape Hatteras, on or about the thirtieth day of December, eighteen hundred and sixty-two, to credit each of them with the amount of sixty dollars to cover their losses of bedding, clothing, and other property, occasioned by the sinking of the said steamer.

Approved March 3, 1863. (Vol. 12, p. 830.)

AN ACT making appropriations for the naval service for the year ending June thirty, eighteen hundred and sixty-four, and for other purposes.

Salary of certain civil engineers.

\* \* \* \* \*

*Provided,* That hereafter the salary of the civil engineer at the Washington navy yard shall be two thousand dollars a year, and the salary of the civil engineer of the Bureau of Yards and Docks shall be three thousand dollars.

Temporary appointments of acting assistant paymasters and acting ensigns ratified.

\* \* \* \* \*

SEC. 3. *And be it further enacted,* That the second section of the act entitled "An act for the temporary increase of the navy," approved July twenty-four, eighteen hundred and sixty-one, shall be so construed that the temporary appointments made, or which may be made, of acting assistant paymasters and acting ensigns are hereby ratified and confirmed as temporary acting appointments until the return of the vessels in which they are respectively employed, or until

\* See act of July 4, 1864, section 7, amending this section.

† The act of May 21, 1864, appropriated \$3,000 for compensation of petty officers, seamen, and others of the Monitor.

the suppression of the present insurrection, as may be deemed necessary; and the rate of compensation allowed for the several grades specified is hereby legalized and approved.

Compensation.

SEC. 4. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized to purchase, in such manner as he shall deem most advantageous to the government, the flour required for naval use; and to have the bread for the navy baked from this flour by special contract under naval inspection.

Flour and bread for naval use.

\* \* \* \* \*

Approved March 3, 1863. (Vol. 12, p. 814.)

AN ACT to amend an act entitled "An act to further promote the efficiency of the navy," approved December twenty-one, eighteen hundred and sixty-one, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any captain in the navy retired by the act entitled "An act to further promote the efficiency of the navy," approved December twenty-one, eighteen hundred and sixty-one, duly recommended according to law, may be promoted to the grade of commodore upon the retired list.

Promotion of captains on the retired list.

\* \* \* \* \*

Approved March 3, 1863. (Vol. 12, p. 769.)

JOINT RESOLUTION tendering the thanks of Congress to Captain John Rodgers, of the United States navy, for eminent skill and zeal in the discharge of his duties.

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in pursuance of the recommendation of the President of the United States, and to enable him to advance Captain Rodgers one grade in pursuance of the ninth section of the act of Congress of sixteenth July, eighteen hundred and sixty-two, the thanks of Congress be, and they are hereby, tendered to Captain John Rodgers "for the eminent skill and gallantry exhibited by him in the engagement with the rebel armed iron-clad steamer 'Fingal,' alias 'Atlanta,' whilst in command of the United States iron-clad steamer 'Weehawken,' which led to her capture on June seventeenth, eighteen hundred and sixty-three; and also for the zeal, bravery, and general good conduct shown by this officer on many occasions."

Thanks to Capt. John Rodgers.

Approved December 23, 1863. (Vol. 13, p. 399.)



A RESOLUTION of thanks of Congress to Commodore Cadwalader Ringgold, the officers and crew of the United States ship "Sabine."

Thanks to Com. Ringgold and officers and crew of the Sabine.

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are hereby tendered to Commodore Ringgold, the officers, petty officers, and men of the United States ship "Sabine," for the daring and skill displayed in rescuing the crew of the steam transport "Governor," wrecked in a gale on the first day of November, eighteen hundred and sixty-one, having on board a battalion of United States marines under the command of Major John G. Reynolds, and in the search for, and rescue of, the United States line-of-battle ship "Vermont," disabled in a gale upon the twenty-sixth of February last, with her crew and freight.*

SEC. 2. *And be it further resolved, That the Secretary of the Navy be directed to communicate the foregoing resolution to Commodore Ringgold, and through him to the officers and men under his command.*

Approved March 7, 1864. (Vol. 13, p. 403.)

AN ACT to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and sixty-four, and for other purposes.

Additional clerical force for the several departments.

SEC. 6. *And be it further enacted, That in addition to the clerical force now authorized by law, the following clerks and employes are hereby authorized in the several departments and offices hereinafter specified, to be employed and continue only during the rebellion, and for one year after its close, viz:*

\* \* \* \* \*

Office of Secretary of the Navy.

In the office of the Secretary of the Navy, two clerks of class four. \*

\* \* \* \* \*

Clerks and employes to be appointed by the heads of the departments.

And the several clerks and employes authorized by this section shall be appointed by the heads of the departments to which they are severally attached, and the amount necessary to pay their salaries from the time of their appointment to the thirtieth of June, eighteen hundred and sixty-four, is hereby appropriated therefor; and the heads of the said several departments are hereby authorized to employ females instead of any of the clerks hereinbefore designated, at an annual compensation not exceeding six hundred dollars per year, whenever, in their opinion, the same can be done consistently with the interests of the public service.

\* \* \* \* \*

Approved March 14, 1864. (Vol. 13, p. 22.)

Females may be employed.

\* Four other clerks of class four provided for by act of March 3, 1865.—(Vol. 13, p. 454.)

AN ACT relating to acting assistant paymasters in the navy, and regulating the appointment of cadets in the Naval Academy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* whenever the President of the United States shall nominate any acting assistant paymaster in the volunteer naval service, on account of his faithful, diligent, and efficient discharge of duty in the volunteer service, to be an assistant paymaster in the navy, it shall be no objection to his appointment and confirmation that he is over twenty-six years of age: *Provided*, That he be not over thirty years of age: *And provided further*, That the number of paymasters and assistant paymasters, as authorized by law, be not increased thereby.

Acting assistant paymasters in volunteer service nominated to be assistant paymasters, &c.

SEC. 2. *And be it further enacted*, That the students of the Naval Academy, when examined for admission thereto, shall be between the ages of fourteen and eighteen years.

Ages for admission into Naval Academy.

Approved April 1, 1864. (Vol. 13, p. 39.)

JOINT RESOLUTION tendering the thanks of Congress to Admiral Porter.

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That* the thanks of Congress be, and they are hereby, tendered to Admiral David D. Porter, commanding the Mississippi squadron, for the eminent skill, endurance, and gallantry exhibited by him and his squadron, in co-operation with the army, in opening the Mississippi river.

Thanks to Admiral D. D. Porter.

Approved April 19, 1864. (Vol. 13, p. 404.)

JOINT RESOLUTION relative to the accounts of the petty officers, seamen, and others of the crew of the United States gunboat Cincinnati.\*

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That* the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the accounts of the petty officers, seamen, and others of the crew of the United States gunboat Cincinnati, to allow each of them all back pay, and a sum, not exceeding fifty dollars, for loss of clothing and other property by the sinking of the said vessel in the Mississippi river, near Vicksburg, on the twenty-seventh day of May, eighteen hundred and sixty-three.

Back pay and compensation for loss of clothing to petty officers, &c., of the Cincinnati.

Approved April 19, 1864. (Vol. 13, p. 404.)

\* By act of July 2, 1864, \$7,200 were appropriated to carry into effect this resolution.

AN ACT fixing the date of the loss of the United States brig "Bainbridge," and for the relief of the officers, seamen, and marines of the same, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purpose of fixing the time at which shall commence the pensions, under the existing laws, of the widows and orphan children of the officers, seamen, marines, and others in service who where lost in the United States brig "Bainbridge," as well as the time to which the pay of said officers, seamen, marines, and others in the service shall be allowed, the twenty-first day of August, in the year one thousand eight hundred and sixty-three, shall be deemed and taken to be the day on which the said brig "Bainbridge" foundered at sea.

Day of the  
foundering of the  
brig Bainbridge  
fixed.

Twelve months'  
pay for the wi-  
dows, &c., of those  
lost.

SEC. 2. *And be it further enacted,* That the widow, or child, or children, and in case there shall be no widow, or child, or children, as aforesaid, then the parent or parents, and if there be no parents, the brothers and sisters of the officers, seamen, marines, and others in service, who were lost in said brig "Bainbridge," shall be entitled to and receive, out of any money in the treasury not otherwise appropriated, a sum equal to twelve months' pay of their respective deceased relations, aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessel.

Approved April 19, 1864. (Vol. 13, p. 52.)

AN ACT to amend an act entitled "An act to establish and equalize the grade of line officers of the United States navy," approved July sixteen, eighteen hundred and sixty-two.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled;* That no line officer of the navy upon the active list, below the grade of commodore, nor any other naval officer, shall be promoted to a higher grade until his mental, moral and professional fitness to perform all his duties at sea shall be established to the satisfaction of a board of examining officers to be appointed by the President of the United States. And such board shall have power to take testimony, the witnesses when present to be sworn by the president of the board, and to examine all matter on the files and records of the department in relation to any officer whose case shall be considered by them.

Line officers be-  
low grade of com-  
modore not to be  
promoted until  
mental, moral, and  
professional fit-  
ness is established,  
&c.

Examining board  
—of whom com-  
posed.

Rights of the of-  
ficer to be acted  
upon.

SEC. 2. *And be it further enacted,* That such examining board shall consist of not less than three officers, senior in rank to the officer to be examined.

SEC. 3. *And be it further enacted,* That any officer to be acted upon by said board shall have the right to be present,

if he desires it; and his statement of his case, on oath, and the testimony of witnesses, and his examination, shall be recorded. And any matter on the files and records of the department touching each case, as may in the opinion of the board be necessary to assist them in making up their opinion, shall, together with the whole record and finding, be presented to the President for his approval or disapproval of the finding. And no officer shall be rejected until after such public examination of himself and the records of the department in his case, unless he fails to appear before said board after having been duly notified.

SEC. 4. *And be it further enacted,* That no officer in the naval service shall be promoted to a higher grade therein, upon the active list, until he has been examined by a board of naval surgeons, and pronounced physically qualified to perform all his duties at sea. And all officers whose cases shall have been acted upon by the aforesaid boards, and who shall not have been recommended for promotion by both of them, shall be placed upon the retired list.

Promotion to higher grade—examination required.

Officers not recommended to be retired.

SEC. 5. *And be it further enacted,* That all officers not recommended for promotion under the fourth section of an act entitled "An act to establish and equalize the grades of line officers of the United States navy," approved July sixteen, eighteen hundred and sixty-two, shall have the right to present themselves for examination, according to the provisions of this act, and if found duly qualified, and such finding be approved by the President of the United States, they shall be promoted to the same grade and place as if they had been recommended by the board, and shall receive the corresponding pay according to the service which they have performed from the date of their rank to that of their promotion. And no further promotions shall be made upon the active list until the number in each grade is reduced to that provided by law.

Rights of officers not recommended for promotion under 4th section of act of July 16, 1862.

Promotions on active list restricted.

SEC. 6. *And be it further enacted,* That any officer in the naval service, by and with the advice and consent of the Senate, may be advanced, not exceeding thirty numbers, in his own grade, for distinguished conduct in battle or extraordinary heroism.

Advancement of naval officers for distinguished conduct in battle.

SEC. 7. *And be it further enacted,* That the President of the United States shall appoint paymasters of the fleet and engineers of the fleet in the same manner and with the same rank and pay as fleet surgeons; and the retired pay of surgeons, paymasters, engineers, and other staff officers in the navy shall be the same as that of the retired officers of the line of the navy with whom they have relative rank.

Fleet paymasters and fleet engineers.

Retired pay of staff officers.

SEC. 8. *And be it further enacted,* That all acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed.

Approved April 21, 1864. (Vol. 13, p. 53.)

AN ACT fixing certain rules and regulations for preventing collisions on the water.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* from and after September one, eighteen hundred and sixty-four, the following rules and regulations for preventing collisions on the water be adopted in the navy and the mercantile marine of the United States: *Provided, That* the exhibition of any light on board of a vessel-of-war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander-in-chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it.

Rules and regulations adopted for navy and mercantile marine, to prevent collisions.

When exhibition of lights may be suspended.

*Regulations for preventing collisions on the water.*

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*Preliminary.*

Sailing ships and ships under steam defined.

ARTICLE 1. In the following rules every steamship which is under sail, and not under steam, is to be considered a sailing ship; and every steamship which is under steam, whether under sail or not, is to be considered a ship under steam.

*Rules concerning lights.*

## LIGHTS.

ARTICLE 2. The lights mentioned in the following articles, and no others, shall be carried in all weathers between sunset and sunrise. Lights to be carried at night.

## LIGHTS FOR STEAMSHIPS.

ARTICLE 3. All steam vessels when under way shall carry—  
 (a.) At the foremast head, a bright white light, so fixed as to show an uniform and unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the ship, viz: from right ahead to two points abaft the beam on either side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles. Foremast head.

(b.) On the starboard side, a green light, so constructed as to throw an uniform and unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles. Starboard.

(c.) On the port side, a red light, so constructed as to show an uniform and unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles. Port.

(d.) The said green and red side lights shall be fitted with inboard screens, projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow. How to be fitted.

## LIGHTS FOR STEAM-TUGS.

ARTICLE 4. Steamships, when towing other ships, shall carry two bright white masthead lights vertically, in addition to their side lights, so as to distinguish them from other steamships. Each of these masthead lights shall be of the same construction and character as the masthead lights which other steamships are required to carry. Lights when towing.

## LIGHTS FOR SAILING SHIPS.

ARTICLE 5. Sailing ships under way or being towed shall carry the same lights as steamships under way, with the exception of the white masthead lights, which they shall never carry. Lights for sailing ships when being towed.

## EXCEPTIONAL LIGHTS FOR SMALL SAILING VESSELS.

Exceptional  
lights for small  
vessels.

ARTICLE 6. Whenever, as in the case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side.

Portable lights  
to be painted, &c.

To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens.

## LIGHTS FOR SHIPS AT ANCHOR.

Ships at anchor.

ARTICLE 7. Ships, whether steamships or sailing ships, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear uniform and unbroken light, visible all around the horizon, and at a distance of at least one mile.

## LIGHTS FOR PILOT VESSELS.

Pilot vessels.

ARTICLE 8. Sailing pilot vessels shall not carry the lights required for other sailing vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light every fifteen minutes.

## LIGHTS FOR FISHING VESSELS AND BOATS.

Fishing vessels  
and boats.

ARTICLE 9. Open fishing boats and other open boats shall not be required to carry side lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on the one side and a red slide on the other side; and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side. Fishing vessels and open boats when at anchor, or attached to their nets and stationary, shall exhibit a bright white light. Fishing vessels and open boats shall, however, not be prevented from using a flare-up in addition, if considered expedient.

At anchor.

*Rules governing fog-signals.*

## FOG-SIGNALS.

Fog signals.

ARTICLE 10. Whenever there is a fog, whether by day or night, the fog-signals described below shall be carried and used, and shall be sounded at least every five minutes, viz:

(a.) Steamships under way shall use a steam-whistle placed before the funnel, not less than eight feet from the deck.

(b.) Sailing ships under way shall use a fog-horn.

(c.) Steamships and sailing ships when not under way shall use a bell.

*Steering and sailing rules.*

Steering and sailing rules.

TWO SAILING SHIPS MEETING.

ARTICLE 11. If two sailing ships are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

TWO SAILING SHIPS CROSSING.

ARTICLE 12. When two sailing ships are crossing so as to involve risk of collision, then, if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side, except in the case in which the ship with the wind on the port side is close hauled, and the other ship free, in which case the latter ship shall keep out of the way. But if they have the wind on the same side, or if one of them has the wind aft, the ship which is to windward shall keep out of the way of the ship which is to leeward.

TWO SHIPS UNDER STEAM MEETING.

ARTICLE 13. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

TWO SHIPS UNDER STEAM CROSSING.

ARTICLE 14. If two ships under steam are crossing so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

SAILING SHIP AND SHIP UNDER STEAM.

ARTICLE 15. If two ships, one of which is a sailing ship and the other a steamship, are proceeding in such directions as to involve risk of collision, the steamship shall keep out of the way of the sailing ship.

SHIPS UNDER STEAM TO SLACKEN SPEED.

ARTICLE 16. Every steamship, when approaching another ship so as to involve risk of collision, shall slacken her speed,



or, if necessary, stop and reverse; and every steamship shall, when in a fog, go at a moderate speed.

VESSELS OVERTAKING OTHER VESSELS.

Vessels overtaking others.

ARTICLE 17. Every vessel overtaking any other vessel shall keep out of way of the said last-mentioned vessel.

CONSTRUCTION OF ARTICLES 12, 14, 15, AND 17.

Construction of articles 12, 14, 15, and 17.

ARTICLE 18. Where, by the above rules, one of two ships is to keep out of the way, the other shall keep her course subject to the qualifications contained in the following article:

PROVISO TO SAVE SPECIAL CASES.

Proviso for special cases.

ARTICLE 19. In obeying and construing these rules, due regard must be had to all dangers of navigation, and due regard must also be had to any special circumstances which may exist in any particular case rendering a departure from the above rules necessary in order to avoid immediate danger.

NO SHIP UNDER ANY CIRCUMSTANCES TO NEGLECT PROPER PRECAUTIONS.

Proper precautions not to be neglected.

ARTICLE 20. Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Approved April 29, 1864. (Vol. 13, p. 58.)

AN ACT to regulate the admeasurement of tonnage of ships and vessels of the United States.\*

What ships are to be measured and registered.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every ship or vessel built within the United States, or that may be owned by a citizen or citizens thereof, on or after the first day of January, eighteen hundred and sixty-five, shall be measured and registered in the manner hereinafter provided; also every ship or vessel that is now owned by a citizen or citizens of the United States shall be remeasured and reregistered upon her arrival after said day at a port of entry in the United States, and prior to her departure therefrom, in the same manner as hereinafter described: *Provided*, That any*

\* See amendatory act of February 23, 1865.

ship or vessel built within the United States after the passage of this act may be measured and registered in the manner herein provided.

SEC. 2. *And be it further enacted*, That the register of every vessel shall express her length and breadth, together with her depth, and the height under the third or spar deck, which shall be ascertained in the following manner: The tonnage deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases the upper deck of the hull is to be the tonnage deck. The length from the forepart of the outer planking, on the side of the stem, to the afterpart of the main sternpost of screw steamers, and to the afterpart of the rudder-post of all other vessels measured on the top of the tonnage deck, shall be accounted the vessel's length. The breadth of the broadest part on the outside of the vessel shall be accounted the vessel's breadth of beam. A measure from the under side of tonnage-deck plank, amidships, to the ceiling of the hold (average thickness) shall be accounted the depth of hold. If the vessel has a third deck, then the height from the top of the tonnage-deck plank to the under side of the upper-deck plank shall be accounted as the height under the spar deck. All measurements to be taken in feet and fractions of feet, and all fractions of feet shall be expressed in decimals.

SEC. 3. *And be it further enacted*, That the register tonnage of a vessel shall be her entire internal cubical capacity in tons of one hundred cubic feet each, to be ascertained as follows: Measure the length of the vessel in a straight line along the upper side of the tonnage deck, from the inside of the inner plank, (average thickness,) at the side of the stem to the inside of the plank on the stern-timbers, (average thickness,) deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern-timber in the thickness of the deck, and also what is due to the rake of the stern-timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the vessel belongs:

TABLE OF CLASSES.

Class 1.—Vessels of which the tonnage length according to the above measurement is fifty feet or under, into six equal parts.

Class 2.—Vessels of which the tonnage length according to the above measurement is above fifty feet, and not exceeding one hundred feet long, into eight equal parts.

Class 3.—Vessels of which the tonnage length according to the above measurement is above one hundred feet long, and not exceeding one hundred and fifty feet long, into ten equal parts.

Class 4.—Vessels of which the tonnage length according to the above measurement is above one hundred and fifty feet, and not exceeding two hundred feet long, into twelve equal parts.

Class 5.—Vessels of which the tonnage length according to the above measurement is above two hundred feet, and not exceeding two hundred and fifty feet long, into fourteen equal parts.

Class 6.—Vessels of which the tonnage length according to the above measurement is above two hundred and fifty feet long, into sixteen equal parts.

Then, the hold being sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such vessel at each point of division of the length as follows :

To find transverse area.

Measure the depth at each point of division from a point at a distance of one-third of the round of the beam below such deck, or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber, at the inside of the limber strake, after deducting the average thickness of the ceiling, which is between the bilge planks and limber strake; then, if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth, at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above, (numbering the upper breadth one, and so on down to the lowest breadth;) multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the last, or fifth; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts, instead of four, and measure, as before directed, the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the last, or seventh; multiply the quantities thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area.

Having thus ascertained the transverse area at each point of division of the length of the vessel, as required above, proceed to ascertain the register tonnage of the vessel, in the following manner :

To ascertain registered tonnage.

Number the areas successively, one, two, three, &c., number one being at the extreme limit of the length at the bow, and

the last number at the extreme limit of the length at the stern; then, whether the length be divided, according to table, into six or sixteen parts, as in classes one and six, or any intermediate number, as in classes two, three, four, and five, multiply the second and every even-numbered area by four, and the third and every odd-numbered area (except the first and last) by two; add these products together, and to the sum add the first and last, if they yield anything; multiply the quantities thus obtained by one-third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage deck; divide this product by one hundred, and the quotient, being the tonnage under the tonnage deck, shall be deemed to be the register tonnage of the vessel, subject to the additions hereinafter mentioned.

If there be a break, a poop, or any other permanent closed-in space on the upper decks, on the spar deck, available for cargo, or stores, or for the berthing or accommodation of passengers or crew, the tonnage of such space shall be ascertained as follows:

Measure the internal mean length of such space in feet, and divide it into an even number of equal parts, of which the distance asunder shall be most nearly equal to those into which the length of the tonnage deck has been divided; measure at the middle of its height the inside breadths, namely, one at each end and at each of the points of division, numbering them successively one, two, three, &c.; then to the sum of the end breadths add four times the sum of the even-numbered breadths and twice the sum of the odd-numbered breadths, except the first and last, and multiply the whole sum by one-third of the common interval between the breadths; the product will give the mean horizontal area of such space; then measure the mean height between the planks of the decks, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage decks, ascertained as aforesaid.

Measurement of  
break, poop, and  
other permanent  
closed-in space.

If a vessel has a third deck, or spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:

Third deck or  
spar deck vessels.

Measure in feet the inside length of the space, at the middle of its height, from the plank at the side of the stem to the plank on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively one, two, three, and so forth, commencing at the stem; multiply the second, and all other even-numbered breadths, by four, and the third, and all the other odd-numbered breadths, (except the first and last,) by two; to the sum of these products add the first and

last breadths; multiply the whole sum by one-third of the common interval between the breadths, and the result will give, in superficial feet, the mean horizontal area of such space; measure the mean height between the plank of the two decks, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the vessel, ascertained as aforesaid. And if the vessel has more than three decks, the tonnage of each space between decks, above the tonnage deck, shall be severally ascertained in the manner above described, and shall be added to the tonnage of the vessel, ascertained as aforesaid.

Tonnage of open vessels.

In ascertaining the tonnage of open vessels the upper edge of the upper strake is to form the boundary line of measurement, and the depth shall be taken from an athwartship line, extending from upper edge of said strake at each division of the length.

Register to express number of decks, &c.

The register of the vessel shall express the number of decks, the tonnage under the tonnage deck, that of the between-decks above the tonnage deck, also that of the poop or other enclosed spaces above the deck, each separately. In every registered United States ship or vessel the number denoting the total registered tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if it at any time cease to be so continued such vessel shall no longer be recognized as a registered United States vessel.

Registered tonnage to be marked on main beam.

Charge for measurement of tonnage.

SEC. 4. *And be it further enacted*, That the charge for the measurement of tonnage and certifying the same shall not exceed the sum of one dollar and fifty cents for each transverse section under the tonnage deck; and the sum of three dollars for measuring each between-decks above the tonnage deck; and the sum of one dollar and fifty cents for each poop, or closed-in space available for cargo or stores, or for the berthing or accommodation of passengers, or officers and crew, above the upper or spar deck.

To what vessels this act shall not apply.

SEC. 5. *And be it further enacted*, That the provisions of this act shall not be deemed to apply to any vessel not required by law to be registered, or enrolled, or licensed; and all acts and parts of acts inconsistent with the provisions of this are hereby repealed.

Approved May 6. 1864. (Vol. 13, p. 69.)

AN ACT relating to appointments in the naval service and court-martial.

Certain appointments in volunteer service to be confirmed.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That hereafter all appointments in the volunteer naval service of the United States, above the rank of acting master, shall be

submitted to the Senate for confirmation, in the same way and manner as appointments in the regular navy are required to be submitted.

SEC. 2. *And be it further enacted,* That naval courts-martial shall have power to sentence officers who shall absent themselves from their commands without leave to be reduced to the rating of ordinary seamen.

Reduction of officers to rating of ordinary seamen.

Approved May 16, 1864. (Vol. 13, p. 75.)

AN ACT to appoint certain officers of the navy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for and during the present insurrection, the President, by and with the advice and consent of the Senate, is hereby authorized to appoint acting lieutenant commanders and acting commanders, who shall have the same rate of compensation as is allowed to officers of similar grade in the navy.

Appointment of acting lieutenant commanders and acting commanders authorized.

SEC. 2. *And be it further enacted,* That the proviso in section ten, chapter one hundred and eighty-three, of an act to establish and equalize the grade of line officers of the United States navy, approved July sixteenth, eighteen hundred and sixty-two, be, and the same is hereby, repealed, and that said section shall read as follows :

Repealing clause.

SEC. 3. *And be it further enacted,* That any person who shall have received, or shall hereafter receive, a temporary appointment as acting volunteer lieutenant or acting master in the navy, from civil life, authorized by act of Congress of July twenty-fourth, eighteen hundred and sixty-one, may be confirmed in said appointment in the navy, and placed in the line of promotion from the date of said confirmation, if, upon the recommendation of the President, he receives the thanks of Congress for highly meritorious conduct in conflict with the enemy. Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers, or acting masters' mates, as they may be best qualified, upon the recommendation of their commanding officer, approved by the flag-officer and the department. Upon such promotion they shall receive a gratuity of one hundred dollars, and a medal of honor, to be prepared by the Navy Department.\*

When certain temporary appointments may be confirmed and placed in line of promotion.

Promotion of seamen, medals of honor, and gratuities for distinguished conduct.

Approved May 17, 1864. (Vol. 13, p. 79.)

\* A previous act of December 21, 1861, section 7, authorizes medals of honor to seamen distinguishing themselves in battle.

AN ACT making appropriations for the naval service for the year ending June thirtieth, eighteen hundred and sixty-five, and for other purposes.

\* \* \* \* \*

Salary of constructing engineer at Mare island. And the annual salary of the constructing engineer at Mare island, California, shall be three thousand two hundred dollars, after the close of the present fiscal year.

\* \* \* \* \*

Midshipmen not appointed in conformity with law. *Provided,* That no money appropriated for the support of the Naval Academy shall be applied to the support of any midshipmen hereafter appointed not in strict conformance with the provisions of the law for appointing midshipmen to the Naval Academy.

Bounties for destruction of enemies' vessels. For bounties for destruction of enemies' vessels, as per "act of July seventeen, eighteen hundred and sixty-two, for the better government of the navy," two hundred and fifty thousand dollars.

Additional professors allowed for Naval Academy. SEC. 3. *And be it further enacted,* That there shall be added three professors to the number of professors of mathematics now authorized by law,\* who shall be appointed and commissioned as now provided by law, and who shall be a professor of ethics and English studies, a professor of Spanish, and a professor of drawing, at the Naval Academy.

Naval Academy to be returned to Annapolis. SEC. 4. *And be it further enacted,* That the United States Naval Academy shall be returned to and established at the Naval Academy grounds in Annapolis, in the State of Maryland, before the commencement of the academic year eighteen hundred and sixty-five.

Approved May 21, 1864. (Vol. 13, p. 80.)

AN ACT for the classification of the clerks to paymasters in the navy, and graduating their pay.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the annual pay of clerks to paymasters in the navy shall be as follows, namely :

Clerks to paymasters at the Boston, New York, Washington, and Philadelphia stations, twelve hundred dollars.

At other stations, one thousand dollars.

Clerks to inspectors in charge of provisions and clothing at Boston, New York, and Philadelphia, twelve hundred dollars.

At other inspections, one thousand dollars.

Clerks to paymasters in receiving-ships at Boston and New York, twelve hundred dollars.

\* The number authorized by act of August 3, 1848, which also regulates the manner of their appointment, was not to exceed twelve.

In other receiving ships, and in vessels of the first rate, and at the Naval Academy, one thousand dollars.

Clerks to fleet paymasters and to paymasters of vessels of the second rate, eight hundred dollars.

Clerks to paymasters of vessels of the third rate, having complements of more than one hundred and seventy-five persons, and to paymasters of supply steamers and store vessels, seven hundred dollars: *Provided*, That no paymaster or assistant paymaster shall be allowed a clerk in a vessel having the complement of one hundred and seventy-five persons or less, excepting in supply steamers and store vessels:

*And provided further*, That nothing in this act shall be construed to alter the pay now allowed by law to the paymaster's clerk at Mare island.\*

Paymasters who are not allowed clerks.

Paymaster's clerk at Mare island.

Approved May 26, 1864. (Vol. 13, p. 92.)

AN ACT in relation to franked matter.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all communications relating to the official business of the department to which they are addressed, of whatever origin, addressed to the chiefs of the several executive departments of the government, or to such principal officers of each executive department, being heads of bureaus or chief clerks, or one duly authorized by the Postmaster General to frank official matter, shall be received and conveyed by mail free of postage without being indorsed "official business," or with the name of the writer.†

Official communications to heads of departments, &c., to be sent free of postage without indorsement.

Approved June 1, 1864. (Vol. 13, p. 95.)

AN ACT to provide for granting an honorable discharge to coal-heavers and firemen in the naval service.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That honorable discharges may be granted to coal-heavers and firemen in the naval service of the United States in the same manner and subject to the same conditions as such discharges are now granted to seamen, ordinary seamen, landsmen, and boys.‡

Honorable discharges to firemen and coal-heavers.

Approved June 7, 1864. (Vol. 13, p. 120.)

\* By act of July 14, 1862, the clerk to the paymaster and inspector of provisions, and so forth, at Mare island, receives \$1,500 per annum.

† Among those who are authorized by the 42d section of the act of March 3, 1863, to frank mail matter, are the chiefs of the several executive departments; also such principal officers, being heads of bureaus or chief clerks, of each executive department, to be used only for official communications, as the Postmaster General shall by regulation prescribe.

‡ See act of March 2, 1855, for the conditions on which they are granted to seamen, &c.



A RESOLUTION to compensate the sailors on the gunboat Baron de Kalb for loss of clothing.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That* Remuneration to petty officers, &c., of the Baron de Kalb, for loss of clothing. *are hereby, authorized, in settling the accounts of the petty officers, seamen, sailors, and others of the crew of the United States gunboat Baron de Kalb, to allow to each a sum not exceeding fifty dollars as a remuneration for the damage they may have sustained in the loss of their clothing by the destruction of said vessel, to be paid out of any money in the treasury not otherwise appropriated.*

Approved June 7, 1864. (Vol. 13, p. 408.)

AN ACT relating to members of Congress, heads of departments, and other officers of the government.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* Members of Congress and officers of the government forbidden to receive compensation for services in any matter in which the United States is a party. *no member of the Senate or House of Representatives shall, after his election and during his continuance in office, nor shall any head of a department, head of a bureau, clerk, or any other officer of the government, receive or agree to receive any compensation whatsoever, directly or indirectly, for any services rendered, or to be rendered, after the passage of this act, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever. And any person offending against any provision of this act shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding ten thousand dollars, and by imprisonment for a term not exceeding two years, at the discretion of the court trying the same, and shall be forever thereafter incapable of holding any office of honor, trust, or profit under the government of the United States.*

The offence a misdemeanor. Punishment.

Approved June 11, 1864. (Vol. 13, p. 123.)

AN ACT making appropriations for the legislative, executive, and judicial expenses of the government for the year ending June thirtieth, eighteen hundred and sixty-five, and for other purposes.

Twenty per centum added to compensation of certain employes of the departments.

SEC. 3. *And be it further enacted, That twenty per centum be added to the compensation of the females, and of the messengers, watchmen, and laborers employed in the several*

departments and under the Commissioner of Public Buildings, and the Commissioner of Agriculture, and at the Capitol, to commence on the first day of June, eighteen hundred and sixty-four, and to terminate at the close of the fiscal year ending the thirtieth of June, eighteen hundred and sixty-six, but to be calculated only upon the amount of compensation accruing after the first day of June, eighteen hundred and sixty-four: *Provided, however,* That no salary be increased hereby so as to exceed the sum of ten hundred dollars. And the sums necessary to pay the additional compensation herein specified for the present and the next fiscal years are hereby appropriated.

Proviso.

Approved June 25, 1864. (Vol. 13, p. 160.)

AN ACT to amend an act entitled "An act to establish and equalize the grade of line officers of the United States navy," approved July sixteen, eighteen hundred and sixty-two.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the corps of commanders in the navy of the United States on the active list be temporarily increased so as to embrace all who had been appointed as such prior to the commencement of the present session of Congress, under that construction of the law which then prevailed in the Navy Department: *Provided,* That the number hereby allowed shall not exceed ninety-one: *And provided further,* That no further appointments of commanders shall be made on the active list till the number by deaths, dismissals, resignations, or otherwise, shall be reduced to seventy-two.

Temporary increase of the corps of commanders in the navy.

Proviso.

Approved June 25, 1864. (Vol. 13, p. 182.)

AN ACT to amend the act of the twenty-first of December, eighteen hundred and sixty-one, entitled "An act to further promote the efficiency of the navy."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first section of the act of the twenty-first of December, anno Domini eighteen hundred and sixty-one, entitled "An act to further promote the efficiency of the navy," shall not be so construed as to retire any officer under the age of sixty-two years, and whose name shall not have been borne upon the Navy Register for a period of forty-five years after he had arrived at the age of sixteen years.

Construction of act respecting the retiring of officers.

Approved June 25, 1864. (Vol. 13, p. 183.)

AN ACT to expedite and regulate the printing of public documents, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter, instead of furnishing manuscript copies of the documents usually accompanying their annual reports to each house of Congress, the heads of the several departments of government shall transmit them, on or before the first day of November in each year, to the Superintendent of Public Printing, who shall cause to be printed the usual number, and, in addition thereto, one thousand copies for the use of the Senate and two thousand copies for the use of the House of Representatives.

Printing of annual reports and documents of the departments.

Copy of reports to be furnished Superintendent.

Duty of Superintendent.

Number of copies to be printed.

Form and style of printing and binding.

SEC. 3. *And be it further enacted,* That it shall be the duty of the heads of the several departments of government to furnish the Superintendent of Public Printing with copies of their respective reports on or before the third Monday in November in each year.

SEC. 4. *And be it further enacted,* That it shall be the duty of the Superintendent of Public Printing to print the President's message, the reports of the heads of departments, and the abridgment of accompanying documents prepared under the direction of the Joint Committee on Public Printing, suitably bound; and that, in addition to the number now required by law, and unless otherwise ordered by either house of Congress, it shall be his duty to print ten thousand copies of the same for the use of the Senate and twenty-five thousand copies for the use of the House, and to deliver the same to the proper officer of each house, respectively, on or before the third Wednesday in December following the assembling of Congress, or as soon thereafter as practicable; and further, it shall also be the duty of the said Superintendent to cause to be printed and stitched in paper covers twenty-five hundred copies of the annual reports of the executive departments for the use of said departments, respectively.

SEC. 12. *And be it further enacted,* That the forms and style in which the printing or binding ordered by any of the departments shall be executed, the materials and size of type to be used, shall be determined by the Superintendent of Public Printing, having proper regard to economy, workmanship, and the purposes for which the work is needed.

Approved June 25, 1864. (Vol. 13, p. 184.)

AN ACT repealing certain provisions of law concerning seamen on board public and private vessels of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of an act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," approved the third of March, one thousand eight hundred and thirteen, as makes it not lawful to employ on board any of the public or private vessels of the United States any person or persons except citizens of the United States or persons of color, natives of the United States, \* \* \*

Repeal of parts of certain acts relative to the employment of seamen on board public and private vessels.

\* \* \* shall be, and the same are hereby, repealed: *Provided, however,* That officers of vessels of the United States shall in all cases be citizens of the United States.

Officers of vessels of the U. S. to be citizens of the United States.

Approved June 28, 1864. (Vol. 13, p. 201.)

AN ACT to provide internal revenue to support the government, to pay interest on the public debt, and for other purposes.\*

SEC. 123. *And be it further enacted,* That there shall be levied, collected, and paid on all salaries of officers, or payments for services to persons in the civil, military, naval, or other employment or service of the United States, including senators and representatives and delegates in Congress, when exceeding the rate of six hundred dollars per annum, a duty of five per centum on the excess above the said six hundred dollars; and it shall be the duty of all paymasters and all disbursing officers under the government of the United States, or in the employ thereof, when making any payments to officers and persons as aforesaid, or upon settling and adjusting the accounts of such officers and persons, to deduct and withhold the aforesaid duty of five per centum, and shall, at the same time, make a certificate stating the name of the officer or person from whom such deduction was made, and the amount thereof, which shall be transmitted to the office of the Commissioner of Internal Revenue, and entered as part of the internal duties; and the pay-roll, receipts, or account of officers or persons paying such duty, as aforesaid, shall be made to exhibit the fact of such payment. And it shall be the duty of the several Auditors of the Treasury Department, when auditing the accounts of any paymaster or disbursing officer, or when settling or adjusting the accounts of any such officer, to require evidence that the duties or taxes mentioned in this section have been deducted or paid over to the Commissioner

Tax of five per centum on excess of six hundred dollars to be deducted from salaries of all officers of the government.

Duty of disbursing officers.

Duty of the Auditors.

\* A joint resolution of July 4, 1864, imposes a special income duty. (Vol. 13, p. 417.)

Prize money to be regarded as income.

of Internal Revenue: *Provided*, That payments of prize money shall be regarded as income from salaries, and the duty thereon shall be adjusted and collected in like manner.

Approved June 30, 1864. (Vol. 13, p. 285.)

AN ACT to regulate prize proceedings and the distribution of prize money, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the commanding officer of any vessel or vessels making a capture to secure the documents of the ship and cargo, including the log-book, with all other documents, letters, and other papers found on board, and make an inventory of the same, and seal them up and send them, with the inventory, to the court in which proceedings are to be had, with a written statement that they are all the papers found and in the condition in which they were found, or explaining the absence of any documents or papers, or any change in their condition. He shall send to said court, as witnesses, the master, one or more of the other officers, the supercargo, purser, or agent of the prize, and any person found on board whom he may suppose to be interested in or to have knowledge respecting the title, national character, or destination of the prize. He shall send the prize, with the documents, papers, and witnesses, under charge of a competent prize master and prize crew, into port for adjudication, explaining the absence of any usual witnesses; and in the absence of instructions from superior authority as to the port to which it shall be sent, he shall select such port as he shall deem most convenient in view of the interests of probable claimants, as well as of the captors. If the captured vessel or any part of the captured property is not in condition to be sent in for adjudication, a survey shall be had thereon and an appraisal made by persons as competent and impartial as can be obtained, and their reports shall be sent to the court in which proceedings are to be had; and such property, unless appropriated for the use of the government, shall be sold by the authority of the commanding officer present, and the proceeds deposited with the assistant treasurer of the United States most accessible to said court, and subject to its order in the cause.

SEC. 2. *And be it further enacted*, That if any vessel of the United States shall claim to share in the prize, either as having made the capture, or as having been within signal distance of the vessel or vessels making the capture, the commanding officer of such vessel shall make out a written statement of his claim, with the grounds on which it is rested, the principal facts tending to show what vessels made the capture,

Duties of the commanding officer of a vessel or vessels making a capture. Papers to be secured.

Witnesses to be sent in.

Port to which prize, &c., is to be sent.

Survey and appraisal if captured vessel or captured property is not fit to be sent in.

How such property may be disposed of.

Course to be pursued by vessels claiming to share.

and what vessels were within signal distance of those making the capture, with reasonable particularity as to times, distances, localities, and signals made, seen, or answered; and such statement of claim shall be signed by him and sent to the court in which proceedings shall be had, and shall be filed in the cause.

SEC. 3. *And be it further enacted*, That it shall be the duty of the prize-master to make his way diligently to the selected port, and there immediately deliver to a prize commissioner the documents and papers and the inventory thereof, and make affidavit that they are the same and in the same condition as delivered to him, or explaining any absence or change of condition therein, and that the prize property is in the same condition as delivered to him, or explaining any loss or damage thereto; and he shall further report to the district attorney, and give to him all the information in his possession respecting the prize and her capture; and he shall deliver over the persons sent as witnesses to the custody of the marshal, and shall retain the prize in his custody until it shall be taken therefrom by process from the prize court.

Duty of prize-master.

SEC. 4. *And be it further enacted*, That the attorney of the United States for the district shall immediately file a libel against such prize property, and shall forthwith obtain a warrant from the court directing the marshal to take it into his custody, and shall proceed diligently to obtain a condemnation and distribution thereof, and to that end shall see that the proper preparatory evidence is taken by the prize commissioners, and that the prize commissioners also take the depositions de bene esse of the prize crew and other transient persons cognizant of any facts bearing on condemnation or distribution. It shall also be the duty of the district attorney to represent the interests of the United States in all prize causes, and he shall not act as separate counsel for the captors on any private retainer or compensation from them, unless in a question between the claimants and the captors on a demand for damages. The district attorney shall examine all fees, costs, and expenses sought to be charged on the prize fund, and protect the interests of the captors and of the United States. The district attorneys of all districts in which any prize causes are or may be pending shall, as often as once in three months, send to the Secretary of the Navy a statement of the condition of all prize causes pending in their districts, in such form and embracing such particulars as the Secretary of the Navy shall require.

Proceedings to be adopted by the U. S. attorney.

Further duties.

SEC. 5. *And be it further enacted*, That any district court may appoint prize commissioners, not exceeding three in number, of whom one shall be a retired naval officer, approved by the Secretary of the Navy, who shall receive no other compensation than his pay in the navy, and who shall protect the interests of the captors and of the department of the navy in the prize property, and at least one of the others shall be

Appointment of prize commissioners.

a member of the bar of the court, of not less than three years' standing, and acquainted with the taking of depositions.

Duties of the  
prize commission-  
ers.

SEC. 6. *And be it further enacted,* That the prize commissioners, or one of them, shall receive from the prize-master the documents and papers and inventory thereof, and shall take the affidavit of the prize-master hereinbefore required, and shall forthwith take the testimony of the witnesses sent in, separate from each other, on interrogatories prescribed by the court, in the manner usual in prize courts; and the witnesses shall not be permitted to see the interrogatories, documents, or papers, or to consult with counsel or with any persons interested, without special authority from the court; and the witnesses who have the rights of neutrals shall be discharged as soon as practicable. The prize commissioners shall also take depositions de bene esse of the prize crew and others, at the request of the district attorney, on interrogatories prescribed by the court. They shall also, as soon as any prize property comes within the district for adjudication, examine the same, and make an inventory thereof, founded on an actual examination, and report to the court whether any part of it is in a condition requiring immediate sale for the interests of all parties, and notify the district attorney thereof; and if it be necessary to the examination or making of the inventory that the cargo be unladen, they shall apply to the court for an order to the marshal to unlade the same, and shall, from time to time, report to the court anything relating to the condition of the property or its custody or disposal which may require any action by the court, but the custody of the property shall be only in the marshal. They shall also seasonably return into court, sealed and secured from inspection, the documents and papers which shall come to their hands, duly scheduled and numbered, and the other preparatory evidence, and the evidence taken de bene esse, and their own inventory of the prize property; and if the captured vessel or any of its cargo or stores are such that, in their judgment, may be useful to the government in war, they shall report the same to the Secretary of the Navy.

Duties of the  
marshal.

SEC. 7. *And be it further enacted,* That the marshal shall safely keep all prize property under warrant from the court, and shall report to the court any cargo or other property that he thinks requires to be unladen and stored or to be sold. He shall insure prize property if, in his judgment, it is for the interest of all concerned. He shall keep in his custody all persons found on board a prize and sent in as witnesses, until they are released by the prize commissioners or the court. If a sale of property is ordered, he shall sell the same in the manner required by the court, and collect the purchase-money, and forthwith deposit the gross proceeds of the sales with the assistant treasurer of the United States nearest the place of sale, subject to the order of the court in the particular cause; and each marshal shall forward to the Secretary of

the Navy, whenever and as often as he may require it, a full statement of the condition of each prize and of the disposition made thereof.

SEC. 8. *And be it further enacted*, That whenever any prize property shall be condemned, or shall at any stage of the proceedings be found by the court to be perishing, perishable, or liable to deteriorate or depreciate, or whenever the costs of keeping the same shall be disproportionate to its value, it shall be the duty of the court to order a sale thereof; and whenever, after the return day on the libel, all the parties in interest who have appeared in the cause shall agree thereto, the court is authorized to make such order, and no appeal shall operate to prevent the making or execution of such order. The Secretary of the Navy shall employ an auctioneer or auctioneers of known skill in the branch of business to which any sale pertains, to make the sale, but the sale shall be conducted under the supervision of the marshal, and the collecting and depositing of the gross proceeds shall be by the auctioneer or his agent. Before any sale the marshal shall cause full catalogues and schedules to be prepared and circulated, and a copy of each shall be returned by the marshal to the court in each cause. The marshal shall cause all sales to be advertised fully and conspicuously in newspapers ordered by the court, and by posters, and he shall, at least five days before the sale, serve notice thereof upon the naval prize commissioner, and the goods shall be open to inspection at least three days before the sale.

Disposition of condemned or perishable property, &c.

Employment of auctioneers.

How sales are to be conducted.

SEC. 9. *And be it further enacted*, That in case a decree of condemnation shall be rendered, the court shall consider the claims of all vessels to participate in the proceeds, and for that purpose, shall, at as early a stage of the cause as possible, order testimony to be taken tending to show what part should be awarded to the captors, and what vessels are entitled to share, and such testimony may be sworn to before any judge or commissioner of the courts of the United States, consul or commercial agent of the United States, or notary public, or any officer of the navy highest in rank, reasonably accessible to the deponent. The court shall make a decree of distribution, determining what vessels are entitled to share in the prize, and whether the prize was of superior, equal, or inferior force to the vessel or vessels making the capture. And said decree shall recite the amount of the gross proceeds of the prize subject to the order of the court, and the amount deducted therefrom for costs and expenses, and the amount remaining for distribution, and whether the whole of such residue is to go to the captors, or one-half to the captors, and one-half to the United States.

Duties of the court in case of a decree of condemnation.

SEC. 10. *And be it further enacted*, That the net proceeds of all property condemned as prize shall, when the prize was of superior or equal force to the vessel or vessels making the capture, be decreed to the captors; and when of inferior

Decrees where the capturing vessel was of superior or equal force, or of inferior force.



- force, one-half shall be decreed to the United States and the other half to the captors: *Provided*, That in case of privateers and letters of marque, the whole shall be decreed to the captors, unless it shall be otherwise provided in the commissions issued to such vessels. All vessels of the navy within signal distance of the vessel or vessels making the capture, under such circumstances and in such condition as to be able to render effective aid if required, shall share in the prize; and in case of vessels not of the navy, none shall be entitled to share except the vessel or vessels making the capture, in which term shall be included vessels present at the capture and rendering actual assistance in the capture.
- Proviso—letters of marque.** All prize money adjudged to the captors shall be distributed in the following proportions, namely:
- Vessels of navy within signal distance to share in the prize.** First. To the commanding officer of a fleet or squadron, one-twentieth part of all prize money awarded to any vessel or vessels under his immediate command.
- Other vessels.** Second. To the commanding officer of a division of a fleet or squadron, on duty under the orders of the commander-in-chief of such fleet or squadron, a sum equal to one-fiftieth part of any prize money awarded to a vessel of such division for a capture made while under his command, the said fiftieth part to be deducted from the moiety due to the United States, if there be such moiety, otherwise from the amount awarded to the captors: *Provided*, That such fiftieth part shall not be in addition to any share which may be due to the commander of the division, and which he may elect to receive, as commander of a single ship making or assisting in the capture.
- Distribution of prize money.** Third. To the fleet captain, one-hundredth part of all prize money awarded to any vessel or vessels of the fleet or squadron in which he is serving, except in a case where the capture is made by the vessel on board of which he is serving at the time of such capture; and in such case he shall share in proportion to his pay, with the other officers and men on board such vessel, as is hereinafter provided.
- To commanding officer of fleet or squadron.** Fourth. To the commander of a single ship, one-tenth part of all the prize money awarded to the ship under his command, if such ship at the time of the capture was under the command of the commanding officer of a fleet or squadron, or a division, and three-twentieths if his ship was acting independently of such superior officer.
- To commanding officer of a division.** Fifth. After the foregoing deductions, the residue shall be distributed and proportioned among all others doing duty on board, (including the fleet captain,) and borne upon the books of the ship, in proportion to their respective rates of pay in the service.
- To fleet captain.** No commanding officer of a fleet or squadron shall be entitled to receive any share of prizes captured by any vessel or vessels not under his command, nor of such prizes as may
- To all others doing duty on board, &c.**
- When commanding officers of fleet or squadron shall not be entitled to share.**

have been captured by any ships or vessels intended to be placed under his command, before they have acted under his orders. Nor shall the commanding officer of a fleet or squadron, leaving the station where he had command, have any share in the prizes taken by ships left on such station after he has gone out of the limits of his said command, nor after he has transferred his command to his successor. No officer or other person who shall have been temporarily absent on duty from a vessel on the books of which he continued to be borne, while so absent, shall be deprived, in consequence of such absence, of any prize money to which he would otherwise be entitled. And he shall continue to share in the captures of the vessels to which he is attached until regularly discharged therefrom.

Persons temporarily absent not to be deprived of prize money.

SEC. 11. *And be it further enacted,* That a bounty shall be paid by the United States for each person on board any ship or vessel-of-war belonging to an enemy at the commencement of an engagement, which shall be sunk or otherwise destroyed in such engagement by any ship or vessel belonging to the United States, or which it may be necessary to destroy in consequence of injuries sustained in action, of one hundred dollars if the enemy's vessel was of inferior force, and of two hundred dollars if of equal or superior force, to be divided among the officers and crew in the same manner as prize money; and when the actual number of men on board any such vessel cannot be satisfactorily ascertained, it shall be estimated according to the complement allowed to vessels of its class in the navy of the United States; and there shall be paid as bounty to the captors of any vessel-of-war captured from an enemy, which they may be instructed to destroy, or which shall be immediately destroyed for the public interest, but not in consequence of injuries received in action, fifty dollars for every person who shall be on board at the time of such capture. All ransom money, salvage, bounty, or proceeds of condemned property, accruing or awarded to any vessel of the navy, shall be distributed and paid to the officers and men entitled thereto in the same manner as prize money, under the direction of the Secretary of the Navy.

Bounty for destruction of vessels-of-war belonging to the enemy.

Bounty for vessels-of-war captured from the enemy, &c.

Ransom money, salvage, &c., to be distributed as prize money.

SEC. 12. *And be it further enacted,* That every assignment of prize or bounty money, or wages, due to persons enlisted in the naval service, and all powers of attorney or other authority to draw, receipt for, or transfer the same, shall be void unless the same be attested by the captain, or other commanding officer, and the paymaster; and in case of any assignment of wages, the same shall specify the precise time when they commence. But the commanding officer of every vessel is required to discourage his crew from selling any part of their prize money or wages, and never to attest any power of attorney until he is satisfied that the same is not granted in consideration of money given for the purchase of prize money or wages.

Assignment of prize, bounty money, or wages.

Appeals from  
the district courts  
of the U. S. to the  
Supreme Court.

SEC. 13. *And be it further enacted,* That appeals from the district courts of the United States in prize causes shall be directly to the Supreme Court, and shall be made within thirty days of the rendering of the decree appealed from, unless the court shall previously have extended the time for cause shown in the particular case, and the Supreme Court shall always be open for the entry of such appeals. Such appeals may be claimed whenever the amount in controversy exceeds two thousand dollars, and in other cases, on the certificate of the district judge that the adjudication involves a question of general importance. Notwithstanding such appeal, the district court may make and execute all necessary orders for the custody and disposal of the prize property; and in case of appeal from a decree of condemnation, may still proceed to make a decree of distribution so far as to determine what share of the prize shall go to the captors, and what vessels are entitled to participate therein. Any prize cause now pending in any circuit court shall, on the application of all parties in interest who have appeared in the cause, be transferred by that court to the Supreme Court; and such transfer may be made, in the discretion of the court, and on such terms as it may direct, on the application of any party: *Provided,* That if the amount in controversy does not exceed two thousand dollars, such transfer shall not be made unless the court shall certify that the adjudication involves a question of general importance. All appeals to the Supreme Court from the circuit court in prize causes, now remaining therein, shall be claimed and allowed in the same manner as in cases of appeal from the district court to the Supreme Court. In any case of appeal or transfer the court below, or the appellate court, may order any original document or other evidence to be sent up, in addition to the copy of the record, or in lieu of a copy of a part thereof.

Transfer of prize  
causes from circuit  
to Supreme Court.

Costs and ex-  
penses attending  
prize property—  
how to be paid, &c.

SEC. 14. *And be it further enacted,* That all costs and all expenses incident to the bringing in, custody, preservation, insurance, sale, or other disposal of prize property, when allowed by the court, shall be a charge upon the same and be paid therefrom, unless the court shall decree restitution free from such charge. No payments shall be made from any prize fund, except upon the order of the court. All charges for work and labor, materials furnished, or money paid, shall be supported by affidavit or vouchers. The court may, at any time, order the payment, from the deposit made with the assistant treasurer in the cause, of any costs or charges accrued and allowed. When the cause is finally disposed of, the court shall make its order or orders on the assistant treasurer to pay the costs and charges allowed and unpaid; and in case the final decree shall be for restitution, or in case there shall be no money subject to the order of the court in the cause, any costs or charges allowed by the court, and not paid by the claimants, shall be a charge upon and be paid

out of the fund for defraying the expenses of suits in which the United States is a party or interested.

SEC. 15. *And be it further enacted,* That the court may require any party, at any stage of the cause, and on claiming an appeal, to give security for costs.

SEC. 16. *And be it further enacted,* That the net amount decreed for distribution to the United States or to vessels of the navy shall be ordered by the court to be paid into the treasury of the United States, to be distributed according to the decree of the court.

And the Treasury Department shall credit the Navy Department with each amount received to be distributed to vessels of the navy; and the persons entitled to share therein shall be severally credited in their accounts with the Navy Department with the amounts to which they are respectively entitled. In case of vessels not of the navy, the distribution shall be made by the court to the several parties entitled thereto, and the amounts decreed to them shall be divided between the owners and the ship's company, according to any written agreement between them, and in the absence of such agreement, one-half to the owners and one-half to the ship's company, according to their respective rates of pay on board; and the court may appoint a commissioner to make such distribution, subject to the control of the court, who shall make due return of his doings, with proof of actual payments by him, and who shall receive no other compensation, directly or indirectly, than such as shall be allowed him by the court: *Provided,* That in case of vessels not of the navy, but controlled by any department of the government, the whole amount decreed to the captors shall be divided among the ship's company.

SEC. 17. *And be it further enacted,* That the clerk of each district court shall render to the Secretary of the Treasury and the Secretary of the Navy a semi-annual statement, beginning with the first day of July next, of all the sums allowed by the court and ordered to be paid, within the previous half year, to the district attorney and prize commissioners for services, and to marshals for fees and commissions; and he shall, in all prize causes in the district, for the purpose of the final decree of distribution, ascertain and keep an account of the amount deposited with the assistant treasurer, subject to the order of the court, in each prize cause, and the amounts ordered to be paid therefrom as costs and charges, and the residue for distribution; and shall send copies of all final decrees of distribution to the Secretary of the Treasury and the Secretary of the Navy; and shall draw the orders of the court for the payment of all costs and allowances, and for the distribution of the residue. And for the said services he shall be entitled to receive the sum of twenty-five dollars in each prize cause, which shall be in full for the services required by this section.

Security for costs.

Amount decreed for distribution—how to be disposed of.

Distribution to naval vessels.

Distribution to other vessels.

Proviso.

Duties of the clerk of the district courts.

Compensation to clerk.

Allowance and commissions to the marshal.

SEC. 18. *And be it further enacted,* That the marshal shall be allowed his actual and necessary expenses for the custody, care, preservation, insurance, sale, or other disposal of the prize property, and for executing any order of the court respecting the same, and shall have a commission of one-quarter of one per centum on vessels, and of one-half of one per centum on all other prize property, calculated on the gross proceeds of each sale; and if after he shall have had any prize property in his custody, and shall have actually performed labor and incurred responsibility for the care and preservation thereof, the same shall be taken by the United States for its own use without a sale, or if it shall be delivered on stipulation to the claimants, he shall, in case the same shall be condemned, be entitled to one-half the above commissions on the amount deposited by the United States to the order of the courts, or collected upon the stipulation. No charges of the marshal for expenses or disbursements shall be allowed, except upon his oath, that the same have been actually and necessarily incurred for the purpose stated.

No allowances except on oath, &c.

Compensation to marshal and clerk for official services.

SEC. 19. *And be it further enacted,* That neither the marshal nor the clerk shall be permitted to retain for all official services, of every kind, excepting those in prize causes, more than the maximum compensation allowed to be retained by him by the third section of the act of the twenty-sixth of February, eighteen hundred and fifty-three; nor shall the additional compensation which either of said officers shall be permitted to retain for all services, of every kind, in prize causes, exceed one-half the maximum compensation allowed to them, respectively, by the aforesaid act.

Compensation to district attorney and prize commissioners.

SEC. 20. *And be it further enacted,* That the district attorney and prize commissioners, except the naval officer, shall be allowed a just and suitable compensation for their respective services in each prize cause, to be adjusted and determined by the court and to be paid as costs in the cause.

District attorneys and prize commissioners to render an annual account of sums received.

SEC. 21. *And be it further enacted,* That each district attorney and prize commissioner, except the naval officer, shall render to the Secretary of the Interior an annual account, beginning with the first day of July next, of all sums he shall have received for all services in prize causes within the previous year; and the district attorney shall be allowed to retain therefrom a sum not exceeding three thousand dollars for each year, in addition to the maximum compensation allowed to be retained by him by the third section of the act of the twenty-sixth February, eighteen hundred and fifty-three, or in addition to any salary he may receive in lieu of such maximum compensation; and each such prize commissioner shall be allowed to retain a sum not exceeding three thousand dollars for each year, which shall be in full for all his official services in prize causes; and any excess over those respective amounts shall be paid by the officer receiv-

Sums they may retain.

Excess to be paid over and credited to pension fund.

ing the same into the treasury of the United States, and shall be credited to the fund for paying naval pensions.

SEC. 22. *And be it further enacted,* That the auctioneers employed to make sales of prize property shall be entitled to receive commissions by a scale to be established by the Secretary of the Navy, not to exceed, in any case, one-half of one per centum on any sum exceeding ten thousand dollars on vessels, nor one per centum on said sum of other prize property, which shall be in full for his expenses as well as their services; and in case no such scale shall be established, they shall be entitled to receive such compensation as the court shall deem just under the circumstances of each case.

Commission  
auctioneers.

SEC. 23. *And be it further enacted,* That in any case of capture heretofore made, or that may hereafter be made, by vessels of the navy, the Secretary of the Navy may employ special counsel for captors, when, in his judgment, the services of such special counsel are needed in the particular case, for the due protection of the interests of the captors and of the navy pension fund; and under the direction of the Secretary of the Navy, such counsel may institute and prosecute such proceedings in the case as may be necessary and proper for the protection of such interests. The court may allow such compensation as it shall deem just under the circumstances of each case to special counsel for captors, not being the district attorney or any of his assistants, whether appointed by a department of the government or by the captors, for services actually rendered in the cause, to be paid as costs, in whole or in part, either from the entire fund or from the portion awarded to the captors; but no such allowance shall be made except for services rendered on matters as to which the party the counsel represents has an adverse interest to the United States, or an interest otherwise proper in the opinion of the court to be represented by special counsel, or for services rendered in a contestation between parties claiming to participate in the distribution of the proceeds.

Special counsel  
for captors.

Compensation.

How to be paid.

SEC. 24. *And be it further enacted,* That fees of special counsel in prize cases incurred or authorized by any department of the government, or for the defence of captors against demands for damages made by claimants in the district court, not paid by claimants, nor from the prize fund in the particular cause, and audited and allowed by the department incurring or authorizing them, and by the Solicitor of the Treasury, shall be a charge upon and paid out of the funds appropriated for defraying the expenses of suits in which the United States is a party or interested.

Fees of special  
counsel, under cer-  
tain circumstan-  
ces, how paid.

SEC. 25. *And be it further enacted,* That whenever the court shall allow fees to any witness in a prize cause or fees for taking evidence out of the district in which the court sits, and there is no money subject to its order in the cause, the same shall be paid by the marshal, and shall be repaid to him from any money deposited to the order of the court in said

Payment of fees  
to witnesses, or for  
taking evidence  
out of the district.

cause; and any amount not so repaid, the marshal shall be allowed as witness fees paid by him in cases in which the United States is a party.

Delivery of prize property to claimants.

SEC. 26. *And be it further enacted,* That no prize property shall be delivered to the claimants on stipulation, deposit, or other security, except where there has been a decree of restitution, and the captors have appealed therefrom, or where the court, after a full hearing on the preparatory proofs, has refused to condemn the property on those proofs, and has given the captors leave to take further proofs, or where the claimant of any property shall satisfy the court that the same has a peculiar and intrinsic value to him, independent of its market value. In any of these cases, the court may deliver the property on stipulation or deposit of its value, if it shall be satisfied that the rights and interests of the United States and captors, or of other claimants, will not be prejudiced thereby, a satisfactory appraisement being first made, with an opportunity given to the district attorney and naval prize commissioner to be heard as to the appointment of appraisers. And any money deposited in lieu of stipulation, and all money collected on a stipulation, not being costs, shall be deposited with the assistant treasurer in the same manner as proceeds of a sale.

Requirements in the case of captured property taken for the use of the government before coming into the custody of the court.

SEC. 27. *And be it further enacted,* That whenever any captured vessel, arms, munitions, or other material shall be taken for the use of the government before it comes into the custody of a prize court, it shall be surveyed, appraised, and inventoried by persons as competent and impartial as can be obtained, and the survey, appraisement, and inventory shall be sent to the court in which proceedings are to be had; and if taken afterwards, sufficient notice shall first be given to enable the court to have the property appraised for the protection of the rights of the claimants and captors. In all cases of prize property heretofore taken for or appropriated to the use of the government, or that shall hereafter be so taken or appropriated, the department for whose use it was or shall be taken or appropriated shall deposit the value thereof with the assistant treasurer of the United States nearest to the place of the session of the court, subject to the order of the court in the cause.

Proceedings in case of captured property that has not been or cannot be sent into court.

SEC. 28. *And be it further enacted,* That in case of any capture heretofore made, or that shall hereafter be made, if, by reason of its condition, or because the whole has been appropriated to the use of the United States, no part of the captured property has been or can be sent in for adjudication, or if the captured property be entirely lost or destroyed, proceedings for adjudication may be commenced in any district the Secretary of the Navy may designate. And in any such case the proceeds of anything sold, or the value of anything taken or appropriated for the use of the government, shall be deposited with the assistant treasurer in or nearest to that

district, subject to the order of the court in the cause. If, when no property can be sent in for adjudication, the Secretary of the Navy shall not, within three months after any capture, designate a district for the institution of proceedings, the captors may institute proceedings, for adjudication in any district. And if, in any case of capture, no proceedings for adjudication shall be commenced within a reasonable time, any parties claiming the captured property may, in any district court, as a court of prize, move for a monition to show cause why such proceedings shall not be commenced, or institute an original suit in such court for restitution, and the monition issued in either case shall be served on the attorney of the United States for the district, and on the Secretary of the Navy, as well as on such other persons as the court shall order to be notified.

SEC. 29. *And be it further enacted,* That when any vessel or other property shall have been captured by any force hostile to the United States and shall be recaptured, and it shall appear to the court that the same had not been condemned as prize before its recapture, by any competent authority, the court shall award a meet and competent sum as salvage, according to the circumstances of each case; and if the captured property belonged to the United States, it shall be restored to the United States, and there shall be paid from the treasury of the United States the salvage, costs, and expenses ordered by the court; and if the recaptured property belonged to persons residing within or under the protection of the United States, the court shall adjudge the property to be restored to its owners upon their claim, on the payment of such sum as the court may award as salvage, costs, and expenses; and if the recaptured property belonged to any person permanently resident within the territory and under the protection of any foreign prince, government, or state in amity with the United States, and by the law or usage of such prince, government, or state, the property of a citizen of the United States would be restored under like circumstances of recapture, it shall be adjudged to be restored to such owner upon his claim, upon such terms as by the law or usage of such prince, government, or state would be required of a citizen of the United States under like circumstances of recapture; and when no such law or usage shall be known, it shall be adjudged to be restored upon the payment of such salvage, costs, and expenses as the court shall order: *Provided,* That nothing in this act shall be construed to contravene any treaty of the United States. And the whole amount awarded as salvage shall be decreed to the captors, and no part to the United States, and shall be distributed as in the case of proceeds of property condemned as prize.

Award and proceedings of the court in the case of vessels or property that have been captured by any force hostile to the U. S., and recaptured before its condemnation as prize by competent authority.

SEC. 30. *And be it further enacted,* That if it shall appear to the court, in the case of any prize property ordered to be sold, that it will be for the interest of all parties to have

Transfer of prize property to another district than that in which it



was condemned,  
to be sold.

it sold in another district, the court may direct the marshal to transfer the same to the district selected by the court for the sale, and to insure the same with proper orders as to the time and manner of selling the same. And it shall be the duty of the marshal so to transfer the property, and keep and sell the same in like manner as if the property were in his own district; and he shall deposit the gross proceeds of the sale with the assistant treasurer nearest to the place of sale, subject to the order of the court in which the adjudication thereon is pending; and the necessary expense attending the insuring, transferring, receiving, keeping, and selling the said property shall be a charge thereupon and upon the proceeds thereof; and whenever any such expense is paid in advance by the marshal, and he shall not be repaid from the proceeds, any amount not so repaid he shall be allowed as in case of expenses incurred in suits in which the United States is a party. The Secretary of the Navy may, in like manner, either by a general regulation or special direction in any cause, require a marshal to transfer any prize property from the district in which the judicial proceedings are pending to any other district for sale, and the same proceedings shall be had as if such transfer had been made by order of the court, as hereinbefore provided.

Persons wilfully  
doing any act with  
intent to defraud  
or injure the U. S.,  
or any captor or  
claimant of prize  
property, subject  
to punishment and  
fine.

SEC. 31. *And be it further enacted,* That if any person shall wilfully do any act, or aid, assist, or advise in the doing of any act relating to the bringing in, custody, preservation, sale, or other disposition of any property captured as prize, or relating to any documents or papers connected with the property or to any deposition or other document or paper connected with the proceedings, with intent to defraud, delay, or injure the United States, or any captor or claimant of such property, he shall, on conviction, be punished by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding five years, or both, at the discretion of the court.

Term "vessels  
of the navy" de-  
fined.

SEC. 32. *And be it further enacted,* That in the term "vessels of the navy" shall be included, for the purposes of this act, all armed vessels officered and manned by the United States, and under the control of the department of the Navy.

Provisions of this  
act applicable to  
all captures made  
by authority of U.  
S., and to all prize  
proceedings pend-  
ing.

SEC. 33. *And be it further enacted,* That the provisions of this act shall be applied to all captures made as prize by authority of the United States, or adopted and ratified by the President of the United States.

SEC. 34. *And be it further enacted,* That this act shall apply to all prize proceedings now pending.

Repealing sec-  
tion.

SEC. 35. *And be it further enacted,* That the act entitled "An act providing for salvage in cases of recapture," approved on the third day of March, in the year eighteen hundred, and the act entitled "An act in addition to the act concerning letters of marque, prizes, and prize goods," approved on the twenty-seventh day of January, in the year eighteen hundred and thirteen, and the act entitled "An act in addi-

tion to an act entitled "An act in relation to the navy pension fund," approved on the sixteenth day of April, eighteen hundred and sixteen, and an act entitled "An act to facilitate judicial proceedings in adjudications upon captured property and for the better administration of the law of prize," approved on the twenty-fifth day of March, eighteen hundred and sixty-two, and the second, sixth, and twelfth sections of an act entitled "An act for the better government of the navy of the United States," approved on the seventeenth day of July, eighteen hundred and sixty-two, and the act entitled "An act further to regulate proceedings in prize cases and to amend various acts of Congress in relation thereto," approved on the third day of March, eighteen hundred and sixty-three, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

Approved June 30, 1864. (Vol. 13, p. 306.)

AN ACT to provide for the efficiency of the navy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* any person enlisted in the military service of the United States who shall apply to the Navy Department to be transferred to the navy or marine corps shall, if his application be approved by the President of the United States, be transferred to the navy or marine corps to serve the residue of his term of enlistment therein, subject to the laws and regulations for the government of the navy: *Provided, That* such transfer shall not release the transferred person from any indebtedness to the government, nor without the consent of the President of the United States, from any penalty incurred for a breach of military law.

Transfer of enlisted men from the military service to the navy or the marine corps.

Proviso.

SEC. 2. *And be it further enacted, That* any seamen or mariner, or person who may have served as such, drafted into the military service, may, by order of the President of the United States, be transferred to the naval service, to serve therein, subject to the laws and regulations for the government of the navy, for the term or residue of the term for which he was drafted.

Transfer of drafted persons who are seamen or mariners to the naval service.

SEC. 3. *And be it further enacted, That* all enlistments into the naval service or marine corps during the present war shall be credited to the appropriate township, precinct, or district, in the same manner as enlistments for the army.

Enlistments to be credited to appropriate townships, &c.

SEC. 4. *And be it further enacted, That* persons hereafter enlisted into the naval service or marine corps during the present war shall be entitled to receive the same bounty as if

Persons enlisting in navy or marine corps to receive bounty.

Repealing clause. enlisted in the army.\* And the resolution approved February twenty-four, eighteen hundred and sixty-four, entitled "A resolution relative to the transfer of persons in the military service to the naval service," is hereby repealed: *Provided, nevertheless*, That such sums as may have been paid as bounty to persons transferred from the military to the naval service or marine corps shall be charged to and paid out of the proper naval appropriation, or appropriation for the marine corps.

Proviso.

Approved July 1, 1864. (Vol. 13, p. 342.)

AN ACT to compensate the officers and crew of the iron-clad gunboat Essex for the destruction of the rebel ram Arkansas.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of twenty-five thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to enable the Secretary of the Navy to pay to the officers and crew of the iron-clad gunboat Essex, for the destruction of the rebel ram Arkansas, the bounty provided by the fourth section of the act entitled "An act for the better government of the navy of the United States," approved July seventeen, eighteen hundred and sixty-two.

Bounty to officers and crew of the Essex.

Approved July 1, 1864. (Vol. 13, p. 342.)

AN ACT prescribing the punishment for enticing or aiding seamen to desert the naval service of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any person who shall entice or procure, or attempt or endeavor to entice or procure any seaman or other person in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or who shall in anywise aid or assist any such seaman or other person in deserting, or in attempting to desert from said naval service, or who shall harbor, conceal, protect, or in anywise assist any such seaman or other person who may have deserted from said naval service, knowing him to have deserted therefrom, or who shall refuse to give up and deliver such person on the

Punishment and fine for enticing or aiding seamen to desert from the naval service.

\* Every volunteer who is accepted and mustered into the service for a term of one year, unless sooner discharged, shall receive, and be paid by the United States, a bounty of one hundred dollars; and if for a term of two years, unless sooner discharged, a bounty of two hundred dollars; and if for a term of three years, unless sooner discharged, a bounty of three hundred dollars; one-third of which bounty shall be paid to the soldier at the time of his being mustered into the service, one-third at the expiration of one-half of his term of service, and one-third at the expiration of his term of service. And in case of his death while in service, the residue of his bounty unpaid shall be paid to his widow, if he shall have left a widow; if not, to his children, or if there be none, to his mother, if she be a widow.—(Act of July 4, 1864.)

demand of any officer authorized to receive him, shall be punished by imprisonment not less than six months nor more than three years, and by fine of not more than two thousand dollars, to be enforced in any court of the United States having jurisdiction.

Approved July 1, 1864. (Vol. 13, p. 342.)

A RESOLUTION regulating the investment of the naval pension fund.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy, as trustee of the naval pension fund, be, and he is hereby, authorized and directed to cause to be invested in the registered securities of the United States, on the first day of January and the first day of July of each year, so much of the said fund then in the treasury of the United States as may not be required for the payment of naval pensions for the then current fiscal year; and, upon the requisition of the said Secretary, so much of the said fund as may not be required for such payment of pensions accruing during the current fiscal year shall be held in the treasury on the days aforesaid in each year subject to his order for the purpose of such immediate investment; and the interest, payable in coin, upon the said securities in which the said fund shall be invested shall be so paid, when due, to the order of the Secretary of the Navy, and he is hereby authorized and directed to exchange the amount of such interest, when paid in coin, for so much of the legal currency of the United States as may be obtained therefor at the current rates of premium on gold, and to deposit the said interest so converted in the treasury to the credit of the said naval pension fund: *Provided*, That nothing herein contained shall be construed to interfere with the payment of naval pensions under the supervision of the Secretary of the Interior as now regulated by law.*

Secretary of Navy, as trustee of naval pension fund, authorized to invest it in registered securities of the U. States.

Not to interfere with payment of naval pensions by Secretary of the Interior.

Approved July 1, 1864. (Vol. 13, p. 414.)

AN ACT making appropriations for sundry civil expenses of the government for the year ending the thirtieth of June, eighteen hundred and sixty-five, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

\* \* \* \* \*

That the Secretary of the Navy is hereby authorized and required to set apart from the pay of any officer of the navy, or of the marine corps, who may be under treatment by his order in the government hospital for the insane, such a portion of the monthly pay of said officer as may be needed for

Government hospital for the insane.

Portion of pay of inmates to be set aside for their comfort.

his personal use and comfort in addition to the ordinary resources of that establishment.

Superintendent to recommend the amount.

How the sum is to be paid, and to whom.

Superintendent to disburse and account for the same.

The superintendent of the government hospital for the insane shall recommend the portion of the pay of such officer of the navy or of the marine corps that shall be set apart in the manner and for the purpose hereinbefore described; but the Secretary of the Navy may, in his discretion, increase or reduce the sum so recommended to be set apart. The said sum set apart for the personal benefit of any officer of the navy or of the marine corps under treatment in the government hospital for the insane, by order of the Secretary of the Navy, shall be paid to the said superintendent of that institution by the paymaster having charge of the said officer's accounts; and the receipt of said superintendent for the sum which he is authorized by the Secretary of the Navy to draw from the said paymaster shall be equivalent to the receipt of the legal guardian of said officer or to that of the officer himself. The said superintendent shall disburse the money thus set apart and drawn by him, and he shall account for it in quarterly statements to the Fourth Auditor of the Treasury.

\* \* \* \* \*

Approved July 2, 1864. (Vol. 13, p. 344.)

AN ACT to authorize assimilated rank to be given to the warrant officers of the United States navy, and for other purposes.

*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 is hereby authorized, if in his judgment it shall be conducive to the interests of the service, to give assimilated rank to the warrant officers of the navy, viz: boatswains, gunners, carpenters, and sailmakers, as follows: After five years of service, to rank with ensigns; and after ten years' service, to rank with masters.

Establishment of title of certain officers.

SEC. 2. *And be it further enacted,* That, from and after the passage of this act, the officers named in the preceding section shall be known as "warrant officers in the naval service of the United States," and shall be so entered upon the Naval Register.

Expenses of the detention of prisoners—how to be paid.

SEC. 3. *And be it further enacted,* That in all cases where it has been or may be found necessary, during the present war, to detain in confinement persons found on board of captured vessels, the expenses of the detention of such persons, when not chargeable to the proceeds of prize or other fund, shall be paid out of the appropriation for defraying the expenses of suits in which the United States are concerned, and that the expenses of prisoners sentenced by naval court-martial to confinement in a penitentiary shall be defrayed from the same fund.

SEC. 4. *And be it further enacted*, That the following addition be made to the clerical force now authorized by law in the Navy Department:

Additional clerical force for Navy Department.

Bureau of Provisions and Clothing, two clerks of the third class and two of the first class.

Bureau of Ordnance, one clerk of the third class.

Bureau of Equipment and Recruiting, one clerk of the second class and one clerk of the first class.

Approved July 2, 1864. (Vol. 13, p. 373.)

AN ACT for the relief of seamen and others borne on the books of vessels wrecked or lost in the naval service.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the proper accounting officers of the treasury be, and they are hereby, authorized, under the direction of the Secretary of the Navy, in settling the accounts of seamen and others, not officers, borne on the books of any vessel in the navy which shall have been wrecked, or which shall have been unheard from so long that her wreck may be presumed, or which shall have been destroyed or lost, with the rolls and papers necessary to a regular and exact settlement of such accounts, to fix a day when such wreck, destruction, or loss shall be deemed and taken to have occurred.

Proper accounting officers of the Treasury to fix a day, in certain cases, as the date of loss or wreck of vessels, in settling accounts of officers and seamen.

SEC. 2. *And be it further enacted*, That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the accounts of the petty officers, seamen, and others, not officers, on board of any vessel in the employ of the United States which, by any casualty, or in action with the enemy, has been or may be sunk or otherwise destroyed, together with the rolls and papers necessary to the exact ascertainment of the several accounts of the same at the date of such loss, to assume the last quarterly return of the paymaster of any such vessel as the basis for the computation of the subsequent credits to those on board to the date of such loss, if there be no official evidence to the contrary. Where such quarterly return has, from any cause, not been made, the said accounting officers are hereby authorized to adjust and settle said accounts on principles of equity and justice; and to allow and pay to each person, not an officer, employed on a vessel so sunk or otherwise destroyed, and whose personal effects have been lost, a sum not exceeding sixty dollars as compensation for loss of his personal effects.

Last quarterly return of paymaster to be assumed as a basis for computation, in certain cases.

In the absence of such quarterly return principles of equity and justice to govern.

Compensation for loss of personal effects.

SEC. 3. *And be it further enacted*, That in case of the death of such petty officer, seaman, or other person, not an officer, such payment shall be made to the widow, child, or children, father, mother, brothers, and sisters, (jointly,) in that order of preference, under such rules as the Second Comptroller

How payments are to be made in case of the death of petty officers, &c.

of the Treasury may prescribe; such credits and gratuity to be paid out of any money in the treasury not otherwise appropriated.

Approved July 4, 1864. (Vol. 13, p. 389.)

AN ACT making an appropriation for testing submarine inventions.

Appropriation  
for testing subma-  
rine inventions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of twenty-five thousand dollars is hereby appropriated for the purpose of testing submarine batteries and other inventions, to be applied under the direction of the Secretary of the Navy to experiment upon such devices for submarine operations as may be recommended as worthy of practical test by a commission of competent naval officers and scientific men, now or hereafter to be organized for their examination.

Approved July 4, 1864. (Vol. 13, p. 392.)

AN ACT to authorize the Secretary of the Navy to provide for the education of naval constructors and steam engineers, and for other purposes.

Education of  
naval constructors  
and engineers.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he is hereby, authorized to provide, by regulations to be issued by him, for the education of such midshipmen or others at the Naval Academy as show a peculiar aptitude therefor as naval constructors, or civil and steam engineers, and may form a separate class for this purpose, to be styled cadet engineers, or otherwise afford to such persons all proper facilities for such a scientific mechanical education as will fit them for such professions.

To be appointed  
or warranted.

SEC. 2. *And be it further enacted,* That, upon the recommendation of the academic board, such persons connected with the scientific and mechanical class as graduate therein with credit, may be immediately appointed as assistant naval constructors or warranted as engineers.

Appointment of  
cadet engineers.

SEC. 3. *And be it further enacted,* That cadet engineers, not to exceed fifty in number, shall be appointed by the Secretary of the Navy: *Provided,* That no person, other than midshipmen, shall be eligible for such appointment who shall not produce satisfactory evidence of mechanical skill and proficiency, and that he has been employed at least two years in the actual fabrication of steam machinery.

Age, qualifica-  
tions, &c.

SEC. 4. *And be it further enacted,* That cadet engineers, when appointed, shall be under eighteen years of age, and shall have passed a mental and physical examination. They shall be admitted to the Naval Academy, where they shall be

examined from time to time according to the regulations prescribed by the Secretary of the Navy; and if found deficient at any examination, or dismissed for misconduct, they shall not be continued in the academy or in the service, except upon recommendation of the academic board.

Dismissal for deficiency or misconduct.

SEC. 5. *And be it further enacted*, That the academic course of cadet engineers shall be two years, and their pay the same as that of midshipmen.

Academic course and pay.

SEC. 6. *And be it further enacted*, That the number of chief engineers shall not exceed one for each first and second rate vessel in the navy, with such first, second, and third assistant engineers, or those acting as such, as the wants of the service actually require. And that from and after the passage of this act the annual pay of the engineer officers of the navy, on the active list, shall be as follows: Every chief engineer on duty, for the first five years after the date of his commission, two thousand two hundred dollars. For the second five years after the date of his commission, two thousand five hundred dollars. For the third five years after the date of his commission, two thousand eight hundred dollars. After fifteen years after the date of his commission, three thousand dollars. Every chief engineer on leave or waiting orders, for the first five years after the date of his commission, one thousand five hundred dollars. For the second five years after the date of his commission, one thousand six hundred dollars. For the third five years after the date of his commission, one thousand seven hundred dollars. After fifteen years after the date of his commission, one thousand eight hundred dollars. Every first assistant engineer on duty, one thousand five hundred dollars. While on leave or waiting orders, one thousand one hundred dollars. Every second assistant engineer on duty, one thousand two hundred dollars. While on leave or waiting orders, nine hundred dollars. Every third assistant engineer on duty, one thousand dollars. While on leave or waiting orders, eight hundred dollars.

Number of engineers allowed for each vessel.

Pay of engineers.

SEC. 7. *And be it further enacted*, That section two of joint resolution "authorizing the Secretary of the Navy to adjust the equitable claims of contractors for naval supplies, and regulating contracts with the Navy Department," approved March three, eighteen hundred and sixty-three, be, and the same is hereby, amended by adding to the same the following proviso, viz: *Provided*, That where articles are advertised and bid for in classes, and, in the judgment of the head of the department, any one or more articles appear to be bid for at excessive or unreasonable prices, exceeding ten per centum above their fair market value, he shall be authorized to reject such bid.

Rejection of excessive bids for articles under contract.

Approved July 4, 1864. (Vol. 13, p. 393.)



AN ACT supplementary to an act entitled "An act to grant pensions," approved July fourteenth, eighteen hundred and sixty-two.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the biennial examinations of pensioners required by an act approved March three, eighteen hundred and fifty-nine, may be made by one surgeon only, provided he is a surgeon of the army or navy, or an examining surgeon duly appointed by the Commissioner of Pensions; nor shall the biennial certificate of two unappointed civil surgeons be accepted in any case, except upon satisfactory evidence that an examination by a commissioned or duly appointed surgeon is impracticable.

*SEC. 2. And be it further enacted,* That all fees paid to examining surgeons for biennial examinations, or for examinations especially ordered, as provided by the eighth section of the act to grant pensions, approved July fourteenth, eighteen hundred and sixty-two, shall be refunded by the agent for paying pensions in the district within which the pensioner or claimant resides, out of any money appropriated for the payment of pensions, under such regulations as the Commissioner of Pensions may prescribe.

*SEC. 3. And be it further enacted,* That declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, said officer being hereby fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided,* That the Commissioner of Pensions may designate, in localities more than twenty-five miles distant from any place at which such a court is holden, persons duly qualified to administer oaths, before whom declarations may be made and testimony taken.

*SEC. 4. And be it further enacted,* That section twelve of the act to grant pensions, approved July fourteen, eighteen hundred and sixty-two, is hereby repealed. And the Commissioner of Pensions is authorized and empowered to detail, from time to time, clerks in his office to investigate suspected attempts at fraud on the government through the Pension Office, and to aid in prosecuting any persons so offending, with such additional compensation as is customary in cases of special service.

*SEC. 5. And be it further enacted,* That all persons now by law entitled to a less pension than hereafter specified, who shall have lost both feet in the military service of the United States and in the line of duty, shall be entitled to a pension of twenty dollars per month; and those who, under the same conditions, have lost both hands or both eyes, shall be entitled to a pension of twenty-five dollars per month. \*

\* See act of March 3, 1865, as to the rate of pensions to persons who have lost one foot and one hand in the military service of the United States and in the line of duty.

SEC. 6. *And be it further enacted,* That no pension claim now on file, unless prosecuted to a successful issue within three years from the passage of this act, and no claim hereafter filed, not thus prosecuted to a successful issue within five years from the date of such filing, shall be admitted without satisfactory record evidence from the War Department to establish the same; and in every case in which a claim for pension shall have been filed for more than three years after the discharge or decease of the party on whose account the claim is made, the pension, if allowed, shall commence from the date of filing the last paper in said case by the party prosecuting the same.

Commencement of pensions when applications are delayed more than three years.

SEC. 7. *And be it further enacted,* That on the remarriage of any widow receiving a pension, such pension shall terminate, and shall not be renewed should she again become a widow.

Widow's pension not renewable after remarriage.

SEC. 8. *And be it further enacted,* That examining surgeons, duly appointed by the Commissioner of Pensions, may be required by him, from time to time, as he shall deem for the interests of the government, to make special examinations of pensioners on the rolls of their respective districts, and such examinations shall have precedence over previous examinations, whether special or biennial. But when injustice is alleged to have been done by any examination so ordered, the Commissioner of Pensions may, at his discretion, select a board of three duly appointed examining surgeons, who shall meet at a place to be designated by him, and shall review such cases as may be ordered before them on appeal from any special examination as aforesaid, and the decision of such board shall be final on the question so submitted thereto. The compensation of all such surgeons shall not exceed that which has been customarily allowed in such cases, and shall be paid out of any appropriations made for the payment of pensions, in the same manner as the ordinary fees of appointed surgeons are or may be authorized to be paid.

Special examinations of pensioners.

Compensation to surgeons.

SEC. 9. *And be it further enacted,* That those persons, not enlisted soldiers in the army, who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or where persons otherwise volunteered and rendered service in any engagement with rebels or Indians since the fourth day of March, eighteen hundred and sixty-one, shall, if they have been disabled in consequence of wounds received in battle, in such temporary service, be entitled to the same benefits of the pension laws as those who have been regularly mustered into the United States service. And the widows, or other dependents, of any such persons as may have been killed in the temporary service aforesaid shall be entitled to pensions in the same manner as they would have been had such persons been regularly mustered: *Provided,* That no claim under this section shall be valid unless presented and prosecuted to a successful issue within three

Volunteers, not enlisted, disabled by wounds, to have benefits of pension laws.

Their widows and dependents.

Claims to be presented within three years.

years from and after the passage of this act. All such claims shall be adjudicated under such special rules and regulations as the Commissioner of Pensions may prescribe, most effectually to guard against fraud.

Any person entitled to an invalid pension, and dying while application is pending, his widow, &c., to receive it.

SEC. 10. *And be it further enacted*, That if any person entitled to an invalid pension under the provisions of the act granting pensions, approved July fourteen, eighteen hundred and sixty-two, has died, or shall hereafter die, while an application for such pension is pending, and having a widow or dependent relative entitled to receive a pension by reason of his service and death, as provided in said act, then the pension to such widow or other person shall commence from the date at which the decedent's invalid pension would have commenced had he survived, subject to the conditions of this act, and the act to which this is amendatory.

Enlisted soldiers, disabled, to have benefit of pension laws, though not mustered in.

SEC. 11. *And be it further enacted*, That all enlisted soldiers in the army who shall have become disabled in the service, whether they shall have been regularly mustered in or not, shall be entitled to the same benefits of the pension laws as those who have been regularly mustered into the United States service; and the widows or other dependents entitled to pensions by law, as prescribed by the act of July fourteen, eighteen hundred and sixty-two, of any such soldier who may have been killed, or shall have died, or shall hereafter die, by reason of any wound received or disease contracted while in said service and in the line of duty, shall be entitled to the same pension as though such soldier had been regularly mustered into the service.

Their widows and dependents.

Fees of pension agents and attorneys.

SEC. 12. *And be it further enacted*, That the fees of agents and attorneys for making out and causing to be executed the papers necessary to establish a claim for a pension, bounty, and other allowance before the Pension Office, under this act, shall not exceed the following rates: For making out and causing to be duly executed a declaration by the applicant, with the necessary affidavits, and forwarding the same to the Pension Office, with the requisite correspondence, ten dollars; which sum shall be received by such agent or attorney in full for all services in obtaining such pension, and shall not be demanded or received in whole or in part until such pension shall be obtained; and the sixth and seventh sections of an act entitled "An act to grant pensions," approved July fourteen, eighteen hundred and sixty-two, are hereby repealed.

Penalty upon agent, &c., who shall receive greater fees, &c.

SEC. 13. *And be it further enacted*, That any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act than is prescribed in the preceding section of this act, or who shall contract, or agree to prosecute, any claim for a pension, bounty, or other allowance, under this act, on the condition that he shall receive a per centum upon any portion of the amount of such claim, or who shall wrongfully withhold from a pensioner or other claimant the whole or any part of the

pension or claim allowed and due to such pensioner or claimant, shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned at hard labor not exceeding two years, or both, according to the circumstances and aggravations of the offence.

SEC. 14. *And be it further enacted*, That the widows and children of colored soldiers who have been, or who may be hereafter, killed, or who have died, or may hereafter die, of wounds received in battle, or who have died, or may hereafter die, of disease contracted in the military service of the United States, and in the line of duty, shall be entitled to receive the pensions now provided by law, without other proof of marriage than that the parties had habitually recognized each other as man and wife, and lived together as such for a definite period next preceding the soldier's enlistment, not less than two years, to be shown by the affidavits of credible witnesses: *Provided, however*, That such widow and children are free persons: *Provided further*, That if such parties resided in any State in which their marriage may have been legally solemnized, the usual evidence shall be required.

Widows, &c., of colored soldiers may receive pensions.

Marriage to be proved as usual.

SEC. 15. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeal of inconsistent laws.

Approved July 4, 1864. (Vol. 13, p. 387.)

A RESOLUTION tendering the thanks of Congress to Captain John A. Winslow, United States navy, and to the officers and men under his command, on board the United States steamer Kearsarge, in her conflict with the piratical craft the Alabama, in compliance with the President's recommendation to Congress of the fifth of December, eighteen hundred and sixty-four.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the thanks of Congress are due, and are hereby tendered, to Captain John A. Winslow, of the United States navy, and to the officers, petty officers, seamen and marines of the United States steamer Kearsarge, for the skill and gallantry exhibited by him and the officers and men under his command in the brilliant action on the nineteenth of June, eighteen hundred and sixty-four, between that ship and the piratical craft Alabama, a vessel superior to his own in tonnage, in guns, and in the number of her crew.

Thanks to Capt. John A. Winslow and officers and crew of the Kearsarge.

Approved December 20, 1864. (Vol. 13, p. 565.)

A RESOLUTION tendering the thanks of Congress to Lieutenant William B. Cushing, of the United States navy, and to the officers and men who assisted him in his gallant and perilous achievement in destroying the rebel steamer *Albemarle*, in compliance with the President's recommendation to Congress of the fifth of December, eighteen hundred and sixty-four.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are due, and are hereby tendered, to Lieutenant William B. Cushing, of the United States navy, and to the officers and men under his command, for the skill and gallantry exhibited by them in the destruction of the rebel iron-clad steamer *Albemarle*, at Plymouth, North Carolina, on the night of the twenty-seventh of October, eighteen hundred and sixty-four.*

Approved December 20, 1864. (Vol. 13, p. 565.)

AN ACT to establish the grade of vice-admiral in the United States navy.

*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, and he is hereby, authorized and empowered, by and with the advice and consent of the Senate, to appoint one vice-admiral, who shall be selected from the list of active rear-admirals, and who shall be the ranking officer in the navy of the United States, and whose relative rank with officers of the army shall be that of lieutenant general in the army.*

*SEC. 2. And be it further enacted, That the pay of the vice-admiral of the navy shall be seven thousand dollars when at sea, six thousand dollars when on shore duty, and five thousand dollars when waiting orders.*

*SEC. 3. And be it further enacted, That the first section of an act approved December twenty-first, eighteen hundred and sixty-one, entitled "An act further to promote the efficiency of the navy," shall not be so construed as to apply to any one holding a commission as vice-admiral in the navy.*

Approved December 21, 1864. (Vol. 13, p. 420.)

AN ACT to provide for an advance of rank to officers of the navy and marine corps for distinguished merit.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any officer of the navy or marine corps, by and with the advice and consent of the Senate, may be advanced not exceeding thirty numbers in rank, for having exhibited eminent and conspicuous conduct in battle, or extraordinary heroism.*

Thanks to Lieut. W. B. Cushing and officers and men under his command.

Vice-admiral.

Selection.

Rank.

Pay.

Not subject to be retired.

Advancement of officers of marine corps for conspicuous conduct in battle.

SEC. 2. *And be it further enacted*, That any officer of the navy or marine corps, either of volunteers or otherwise, who shall be nominated to a higher grade by the provisions of the first section of this act, or of that of section nine of an act entitled "An act to establish and equalize the grades of line officers of the United States navy," approved July sixteenth, eighteen hundred and sixty-two, shall be promoted, notwithstanding the number of said grade may be full, but no further promotions shall take place in that grade, except for like cause, until the number is reduced to that provided by law.

Promotion of officers of navy and marine corps nominated to a higher grade.

Restriction.

SEC. 3. *And be it further enacted*, That all acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

Approved January 24, 1865. (Vol. 13, p. 424.)

AN ACT to prevent officers of the army and navy, and other persons engaged in the military and naval service of the United States, from interfering in elections in the States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall not be lawful for any military or naval officer of the United States, or other person engaged in the civil, military, or naval service of the United States, to order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State of the United States of America, unless it shall be necessary to repel the armed enemies of the United States, or to keep the peace at the polls. And that it shall not be lawful for any officer of the army or navy of the United States to prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State of the United States of America, or in any manner to interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State of the United States. Any officer of the army or navy of the United States, or other person engaged in the civil, military, or naval service of the United States, who violates this section of this act, shall, for every such offence, be liable to indictment as for a misdemeanor, in any court of the United States having jurisdiction to hear, try, and determine cases of misdemeanor, and on conviction thereof shall pay a fine not exceeding five thousand dollars, and suffer imprisonment in the penitentiary not less than three months, nor more than five years, at the discretion of the court trying the same; and any person convicted as aforesaid shall, moreover, be disqualified from holding any office of honor, profit, or trust under the government of the United States: *Pro-*

Troops or armed men not to be brought to the places of election, &c.

Officers of the army or navy not to prescribe the qualifications of voters, or interfere with elections.

Penalty for violation of this section.

Nothing in this act to prevent officers, soldiers, sailors, and marines from exercising right of suffrage.

Persons in military or naval service preventing qualified voters from exercising the right of suffrage, or interfering with the officers of elections, &c., liable to indictment, trial, &c.

*vided*, That nothing herein contained shall be so construed as to prevent any officers, soldiers, sailors, or marines from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified, according to the laws of the State in which he shall offer to vote.

SEC. 2. *And be it further enacted*, That any officer or person in the military or naval service of the United States who shall order or advise, or who shall, directly or indirectly, by force, threat, menace, intimidation or otherwise, prevent or attempt to prevent any qualified voter of any State of the United States of America from freely exercising the right of suffrage at any general or special election in any State of the United States, or who shall in like manner compel, or attempt to compel, any officer of an election in any such State to receive a vote from a person not legally qualified to vote, or who shall impose or attempt to impose any rules or regulations for conducting such election different from those prescribed by law, or interfere in any manner with any officer of said election in the discharge of his duties, shall for any such offence be liable to indictment as for a misdemeanor, in any court of the United States having jurisdiction to hear, try, and determine cases of misdemeanor, and on conviction thereof shall pay a fine of not exceeding five thousand dollars, and suffer imprisonment in the penitentiary not exceeding five years, at the discretion of the court trying the same; and any person convicted as aforesaid shall, moreover, be disqualified from holding any office of honor, profit, or trust, under the government of the United States.

Approved February 25, 1865. (Vol. 13, p. 437.)

AN ACT to amend an act entitled "An act to regulate the admeasurement of tonnage of ships and vessels of the United States," approved May sixth, eighteen hundred and sixty-four.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act entitled "An act to regulate the admeasurement of tonnage of ships and vessels of the United States," approved May sixth, eighteen hundred and sixty-four, shall be so construed that no part of any ship or vessel shall be admeasured or registered for tonnage that is used for cabins or state-rooms, and constructed entirely above the first deck, which is not a deck to the hull.

Approved February 26, 1865. (Vol. 13, p. 444.)

Measurement of tonnage.

AN ACT making appropriations for the legislative, executive, and judicial expenses of the government for the year ending June thirtieth, eighteen hundred and sixty-six, and additional appropriations for the current fiscal year.

\* \* \* \* \*

*Navy Department.*—For compensation of the Secretary of the Navy, Assistant Secretary of the Navy, chief clerk, and the clerks, messenger, assistant messenger, and laborers, in his office, including four clerks of class four, and one laborer, at an annual salary of seven hundred and twenty dollars per annum, which are hereby authorized to be appointed, fifty-five thousand eight hundred dollars.

Clerks, &c., of Secretary's office.

\* \* \* \* \*

For compensation of the chief of the Bureau of Equipment and Recruiting, chief clerk, and the clerks, messenger, and laborer in his office, including one clerk of class three and one clerk of class one, which are hereby authorized to be appointed, sixteen thousand four hundred and twenty dollars.

For Bureau of Equipment and Recruiting.

\* \* \* \* \*

For compensation of the chief of the Bureau of Construction and Repair, chief clerk, and the clerks, draughtsman, messenger, and laborer, in his office, including one additional temporary clerk of class two, which is hereby authorized to be appointed, eighteen thousand and twenty dollars.

For Bureau of Construction.

\* \* \* \* \*

SEC. 4. *And be it further enacted,* That from and after the commencement of the next fiscal year the salary of each of the Assistant Secretaries of the executive departments, the Assistant Attorney General, and the three Assistant Postmasters General, shall be three thousand five hundred dollars per annum.

Salaries of Assistant Secretaries, &c.

Approved March 2, 1865. (Vol. 13, p. 445.)

AN ACT making appropriations for the naval service for the year ending June thirtieth, eighteen hundred and sixty-six.

\* \* \* \* \*

SEC. 2. *And be it further enacted,* That no midshipman shall be appointed for any district not represented in Congress.

Midshipmen not to be appointed from unrepresented districts.

\* \* \* \* \*

SEC. 7. *And be it further enacted,* That so much of the proviso of the act of third March, eighteen hundred and forty-three, entitled "An act making appropriations for the naval service for the half calendar year, beginning the first of January and ending the thirtieth day of June, eighteen hundred and forty-four," as requires that provisions, and all other materials, of every name and nature, for the use of the navy, be furnished by contract with the lowest bidder, after advertisement, shall be, and the same is

Bunting for the use of the army or navy—how it may be procured.



hereby, so far modified that it shall not apply to bunting delivered for the use of the army and navy; that it shall be lawful for the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury to enter into contract for bunting of American manufacture, as their respective service require, for a period not exceeding one year, and at a price not exceeding that at which an article of equal quality can be imported.

Approved March 2, 1865. (Vol. 13, p. 462.)

AN ACT to establish the office of Solicitor and Naval Judge Advocate.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, for service during the rebellion and one year thereafter, an officer in the Navy Department, to be called the "Solicitor and Naval Judge Advocate General," at an annual salary of three thousand five hundred dollars, and that, until the close of the fiscal year ending June thirtieth, eighteen hundred and sixty-six, the salary herein provided for shall be paid from any money in the treasury not otherwise appropriated.

Solicitor and  
Judge Advocate  
General for Navy  
Department au-  
thorized.

Salary.

Fees for record  
in naval courts-  
martial.

SEC. 2. *And be it further enacted,* That the fees for record in naval courts-martial shall not in any one case exceed the sum of two hundred dollars.

Approved March 2, 1865. (Vol. 13, p. 468.)

AN ACT to amend the several acts heretofore passed to provide for the enrolling and calling out the national forces, and for other purposes.

\* \* \* \* \*

Officers in the  
military or naval  
service dismissed  
by authority of  
President may  
have a court-mar-  
tial.

SEC. 12. *And be it further enacted,* That in case any officer of the military or naval service who may be hereafter dismissed by authority of the President shall make an application in writing for a trial, setting forth under oath that he has been wrongfully and unjustly dismissed, the President shall, as soon as the necessities of the public service may permit, convene a court-martial to try such officer on the charges on which he was dismissed. And if such court-martial shall not award dismissal or death as the punishment of such officer, the order of dismissal shall be void. And if the court-martial aforesaid shall not be convened for the trial of such officer within six months from the presentation of his application for trial, the sentence of dismissal shall be void.

When dismissal  
shall be void.

\* \* \* \* \*

Penalty for en-  
listing insane and  
other improper  
persons.

SEC. 17. *And be it further enacted,* That any recruiting agent, substitute broker, or other person who, for pay or profit, shall enlist, or cause to be enlisted, as a volunteer or

substitute, any insane person, or convict, or person under indictment for a felony, or who is held to bail to answer for a felony, or person in a condition of intoxication, or a deserter from the military or naval service, or any minor between the ages of sixteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of sixteen years, knowing him, in either case before mentioned, to be such, or who shall defraud or illegally deprive any volunteer or substitute of any portion of the State, local, or United States bounty, to which he may be entitled, shall, upon conviction in any court of competent jurisdiction, be fined not exceeding one thousand dollars nor less than two hundred dollars, or imprisoned not exceeding two years and not less than three months, or both, in the discretion of the court aforesaid.

SEC. 18. *And be it further enacted*, That any officer who shall muster into the military or naval service of the United States any deserter from said service, or insane person, or person in a condition of intoxication, or any minor between the ages of sixteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of sixteen years, knowing him to be such, shall, upon conviction by any court-martial, be dishonorably dismissed the service of the United States.

Penalty for mustering in deserters and other improper persons.

\* \* \* \* \*

SEC. 21. *And be it further enacted*, That, in addition to the other lawful penalties of the crime of desertion from the military or naval service, all persons who have deserted the military or naval service of the United States, who shall not return to said service or report themselves to a provost marshal within sixty days after the proclamation hereinafter mentioned, shall be deemed and taken to have voluntarily relinquished and forfeited their rights of citizenship and their rights to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof; and all persons who shall hereafter desert the military or naval service, and all persons who, being duly enrolled, shall depart the jurisdiction of the district in which he is enrolled, or go beyond the limits of the United States, with intent to avoid any draft into the military or naval service, duly ordered, shall be liable to the penalties of this section. And the President is hereby authorized and required forthwith, on the passage of this act, to issue his proclamation setting forth the provisions of this section, in which proclamation the President is requested to notify all deserters returning within sixty days as aforesaid that they shall be pardoned, on condition of returning to their regiments and companies, or to such other organizations as they may be as-

Additional penalties for the crime of desertion.

Pardon to deserters.

signed to, until they shall have served for a period of time equal to their original term of enlistment.

Approved March 3, 1865. (Vol. 13, p. 487.)

AN ACT to prevent the enlistment of persons charged with crime in the District of Columbia, as substitutes, or as volunteers in the army or navy, and to prevent frauds at the District jail, in the city of Washington.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That,*

Persons charged with crime in the District not to be enlisted into the naval service, &c. from and after the passage of this act, it shall be unlawful for any person, with knowledge of the fact, to present or offer to any recruiting agent or officer, or any muster-in officer in the United States military or naval service, either as a volunteer or as a substitute for any person, any person charged with the commission of any criminal offence, and confined or held on bail for the trial of such offence, within the District of Columbia; and it shall in like manner be unlawful for any person, in any way or manner, to abet, aid, or assist in procuring the offer or acceptance of any person so charged or held for trial, or released on bail and awaiting trial, either as a volunteer or as a substitute for any person drafted or liable to draft in the military or naval service of the United States, whether the person so drafted or liable to draft shall be a resident of the District of Columbia, or shall reside elsewhere. And any person who shall knowingly offend against the provisions of this section, or either of such provisions, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before a court of competent jurisdiction in said District, be punished by a fine of not less than two hundred and fifty dollars and not more than one thousand dollars, and by imprisonment in the District prison for a term not less than six months nor more than one year.

Penalty for knowingly offending against the provisions of this act.

Officers, guards, attachés, or employés of the District jail forbidden to demand or receive compensation, fees, rewards, or gratuities, &c. SEC. 2. *And be it further enacted,* That any officer of the District jail, of the District of Columbia, or any guard thereof, or any attaché or employé connected with said jail, who shall demand, or directly or indirectly receive, any compensation, fee, reward, or gratuity for any information given in respect to any prisoner confined therein, or awaiting trial upon bail, or for any service, assistance, or influence rendered, given, or exerted, with any view, intent, or purpose of having such person thus charged or held for trial, or held on bail to await trial, taken, offered, or used either as a volunteer or as a substitute for any other in the military or naval service, or who shall corruptly receive, for any act done by virtue of his office or employment, any fee, compensation, reward, or gratuity, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof in any district court of competent juris-

diction, be punished by a fine of not less than two hundred and fifty dollars and not more than one thousand dollars, and by imprisonment in the District prison for a term not less than three months nor more than one year.

Punishment for the offence.

Approved March 3, 1865. (Vol. 13, p. 498.)

AN ACT supplementary to the several acts relating to pensions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no invalid pensioner now or hereafter in the service of the United States shall be entitled to draw a pension for any period of time during which he is or shall be entitled to the full pay or salary which an able-bodied person discharging like duties to the government is allowed by law.

Prohibition against drawing pensions and salaries at the same time.

SEC. 2. *And be it further enacted,* That acting assistant or contract surgeons disabled by any wound received or disease contracted while actually performing the duties of assistant surgeons or acting assistant surgeons with any military forces in the field or in transitu shall be entitled to the benefits of the pension laws in the same manner as if they had actually been mustered into the service with the rank of assistant surgeon; and the widows, minor children, or the dependents of acting assistant surgeons dying while performing the duty aforesaid, shall in like manner be entitled to the same benefits of the pension laws as if the deceased had been actually mustered into the service as assistant surgeons.

Benefits of pension laws extended to acting assistant and contract surgeons, their widows, &c.

SEC. 3. *And be it further enacted,* That all persons now by law entitled to a less pension than hereafter specified, who shall have lost one foot and one hand in the military service of the United States, and in the line of his [their] duty, shall be entitled to twenty dollars per month.\*

Rate of pension for loss of one foot and one hand.

SEC. 4. *And be it further enacted,* That if any officer or other person named in the first section of an act entitled "An act to grant pensions," approved July fourteen, eighteen hundred and sixty-two, has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die by reason of any wound received or disease contracted while in the service of the United States, and in the line of duty, his widow, or if there be no widow, or in case of her death or marriage without payment to her of any part of the pension hereinafter mentioned, his child or children, under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to under said act had he been totally disabled, to commence from the death of the husband or father, and to continue to the widow during

Pensions to the widows and children of officers and other persons who have died or shall die from wounds or disease received or contracted in the service.

\* See section 5 of act of July 4, 1864, as to rate of pensions to those who have lost both feet, or both hands, or both eyes.

Commencement  
of pension to chil-  
dren.

Tenth section of  
act of July 14, '62,  
not affected here-  
by.

her widowhood, or to the child or children until they severally attain to the age of sixteen years, and no longer: *Provided*, That when such pension has been or shall hereafter be paid to the widow, such child or children shall only be entitled to receive the pension, to commence from the death or marriage of such widow, and [to] continue as aforesaid: *Provided further*, That nothing herein contained shall be construed to repeal or modify the tenth section of an act entitled "An act supplementary to 'An act to grant pensions,' approved July fourteenth, eighteen hundred and sixty-two," approved July fourth, eighteen hundred and sixty-four; and said section is hereby declared to be in full force and effect in all cases arising under this act to which said section is applicable, saving and excepting such cases as are embraced in the preceding proviso.

Approved March 3, 1865. (Vol. 13, p. 499.)

AN ACT to incorporate a national military and naval asylum for the relief of the totally disabled officers and men of the volunteer forces of the United States.

Body corporate  
in the District of  
Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Ulysses S. Grant, David G. Farragut, Hannibal Hamlin, Andrew Johnson, Salmon P. Chase, Edwin M. Stanton, Gideon Welles, John A. Dix, George Bancroft, William T. Sherman, John A. Andrew, Andrew G. Curtin, Oliver P. Morton, Benjamin F. Butler, George G. Meade, John Brough, Nathaniel P. Banks, Joseph Hooker, Samuel R. Curtis, Rich. J. Oglesby, David Tod, Henry Ward Beecher, Ambrose E. Burnside, John A. Logan, Daniel S. Dickinson, William A. Buckingham, Carl Schurz, Oliver O. Howard, Hamilton Fish, Frank Sigel, Francis Wayland, Austin Blair, Thomas C. Fletcher, Robert Breckinridge, Lovell H. Rousseau, Horace Greeley, George H. Stuart, Joseph Henry, John G. Barnard, Henry J. Raymond, William B. Astor, James Gordon Bennett, H. W. Halleck, William E. Dodge, William M. Evarts, James T. Brady, Gerritt Smith, Reuben E. Fenton, Bellamy Storer, George P. McIlvain, Galusha A. Grow, Henry W. Bellows, J. S. C. Abbott, Jay Cooke, Oliver Wendell Holmes, Israel Washburn, jr., Ichabod Goodwin, Frederick Smyth, John Z. Goodrich, Charles Henry Davis, William Claffin, J. Wiley Edmonds, Amos A. Lawrence, Edward S. Tobey, Thomas Russell, Charles G. Loring, George B. Upton, Charles G. Greene, J. M. S. Williams, George G. Stannard, Henry M. Rice, Grenville M. Dodge, Morton McMichael, Thomas Webster, James M. Scovel, Nathaniel B. Baker, Richard J. Field, Henry C. Carey, John W. Forney, Bishop M. Simpson, G. S. Griffith, William Henry Channing, James E. Yeatman, Dwight Durkee, A. T. Stewart, Barnabas Hobbs, Montgomery

Blair, Joseph R. Barnes, E. B. Ward, Henry Benham, Frank Moore, Alfred Lee, Edward Solomon, Thomas C. Bryan, B. B. French, Samuel J. Crawford, James T. Pratt, Alfred H. Terry, Edward Tompkins, Moses F. Odell, and their successors, duly chosen, are hereby constituted and created a body corporate in the District of Columbia.

SEC. 2. *And be it further enacted*, That the said corporation hereby constituted shall consist of one hundred members. They shall have power to fill all vacancies created by death, resignation, or otherwise, and to make by-laws, rules, and regulations: *Provided*, That such by-laws, rules, and regulations are not repugnant to the Constitution or laws of the United States.

To consist of 100 members.

Vacancies.

Rules and regulations.

SEC. 3. *And be it further enacted*, That the business of said corporation shall be managed by a board of twelve directors, who shall elect from their number a president, two vice-presidents, and a secretary; and seven of the directors, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business at any special meeting of the board of directors.

Management of the business of the corporation.

SEC. 4. *And be it further enacted*, That the board of directors shall have authority to procure for early use, at a suitable place, a site for a military asylum for officers and men of the volunteer forces of the United States who have been or may hereafter be totally disabled by wounds received or sickness contracted while in the line of their duty during the present rebellion; and to have the necessary buildings erected, having due regard to the health of the location, facility of access, and competency to accommodate the persons provided for in this act.

Procurement of site for military asylum.

Erection of necessary buildings.

SEC. 5. *And be it further enacted*, That, for the establishment and support of this asylum, there shall be appropriated all stoppages or fines adjudged against volunteer officers, soldiers, or seamen, by sentence of courts-martial or military commission, over and above the amounts necessary for the reimbursement of the government or of individuals, all forfeitures on account of desertion from the volunteer service, and all moneys due deceased volunteer officers, soldiers, or seamen, which now are or may be unclaimed for three years after the death of such officers, soldiers, or seamen, to be repaid upon the demand of the heirs or legal representatives of such deceased officers, soldiers, or seamen. And the said directors are hereby authorized to receive all donations of money or property made by any person or persons for the benefit of the asylum, and to hold or dispose of the same for its sole and exclusive use.

Manner of establishing and supporting the asylum.

Reception of donations.

SEC. 6. *And be it further enacted*, That the selection of the site for the said asylum, and the plan of the buildings, and the rules and regulations for the general and internal direction of the asylum, shall be made by the directors; and they may do all other acts necessary for the government and

Power of the directors.

When site is to be selected. interests of the same as hereby authorized: *Provided, however,* That no selection of a site for said asylum, or adoption of any plan of buildings, shall be agreed upon until after the sum of half a million of dollars shall have been first subscribed or donated and paid into the treasury of said corporation.

Officers — of whom to consist. SEC. 7. *And be it further enacted,* That the officers of the asylum shall consist of a governor, a deputy governor, a secretary, and a treasurer; and such officers shall be appointed from the pensioned officers of the volunteer service, and they may be appointed and removed from time to time, as the interests of the institution may require, by the board of directors.

Who shall be beneficiaries. SEC. 8. *And be it further enacted,* That the following persons only shall be entitled to the benefits of the asylum, and may be admitted thereto upon the recommendation of the board of directors, namely: all volunteer officers, soldiers, and seamen who have served during the present war, who have been or who may be totally disabled by wounds received or sickness contracted in the line of their duty; and such persons on becoming inmates of this asylum shall assign thereto their pensions during the time they shall remain therein and receive its benefits.

Duty of the directors. SEC. 9. *And be it further enacted,* That the directors shall make an annual report of the condition of the asylum to the War Department, which shall be communicated to Congress on the first Monday of every January after the passage of this act; and it shall be the duty of the said directors to examine and audit the accounts of the treasurer of this asylum quarterly, and to visit and inspect them at least six times a year.

Inmates to be subject to the rules and articles of war. SEC. 10. *And be it further enacted,* That all inmates of the asylum shall be, and they are hereby made, subject to the rules and articles of war, and will be governed thereby in the same manner as if they were in the army or navy of the United States.

SEC. 11. *And be it further enacted,* That Congress may, at any time hereafter, alter, amend, or repeal this act.

Approved March 3, 1865. (Vol. 13, p. 509.)

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AN ACT in relation to the Naval Observatory.

Superintendent of Naval Observatory. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the first section of the act of third of August,

one thousand eight hundred and forty-eight,\* entitled "An act making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and forty-nine," as requires that the superintendent of the Naval Observatory at Washington city shall be a captain, commander, or lieutenant in the navy, be, and is hereby, repealed; and no officer of the navy employed as superintendent shall receive other than the shore duty pay of his grade.

Eligibility.

Pay.

Approved March 3, 1865. (Vol. 13, p. 533.)

AN ACT to increase the pay of midshipmen and others.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That midshipmen, after their final academic examination, and until their promotion to the grade of ensign, shall be paid at the rate of eight hundred dollars per annum while on sea service.

Pay of midshipmen prior to promotion to ensigns.

SEC. 2. *And be it further enacted,* That acting master's mates shall be styled mates, and the Secretary of the Navy is hereby authorized to increase their pay to a sum not exceeding sixty dollars per month.

Master's mates to be styled mates.

SEC. 3. *And be it further enacted,* That hereafter mates may be rated, under authority of the Secretary of the Navy from seamen and ordinary seamen who have enlisted in the naval service for not less than two years, and such rating of an enlisted man, or his appointment as an officer, shall not discharge him from his enlistment.

Rating of mates.

SEC. 4. *And be it further enacted,* That no person appointed or rated an officer or clerk in the navy shall receive any bounty while holding an appointment.

Certain officers not entitled to bounty.

SEC. 5. *And be it further enacted,* That all acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

SEC. 6. *And be it further enacted,* That acting passed assistant surgeons and acting surgeons may be appointed in the same manner as acting assistant surgeons are now appointed, who shall receive the compensation of their respective grades.

Appointment and pay of acting surgeons, &c.

Approved March 3, 1865. (Vol. 13, p. 539.)

\* The following is the portion of the act referred to:

"For the pay of the superintendent of the Naval Observatory at Washington city, who shall be a captain, commander, or lieutenant in the navy, three thousand dollars, which shall be the salary per annum of said superintendent. And the provision in the act entitled 'An act making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and forty-eight,' which is in these words, viz: 'including three thousand dollars for pay of the superintendent, who shall be either a captain, commander, or lieutenant in the navy,' shall be construed to apply to the superintendent of said Naval Observatory, and shall take effect from and after the passage of that act."

The effect of the act of March 3, 1865, is to allow the selection of other than an officer of the navy as superintendent of the Observatory, to receive a salary of \$3,000 per annum, or of any suitable officer of the navy, to receive the shore duty pay of his grade.



A RESOLUTION tendering the thanks of Congress to Rear-Admiral David D. Porter, and to the officers, petty officers, seamen, and marines under his command, for their gallantry and good conduct in the recent capture of Fort Fisher.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That* the thanks of Congress are hereby presented to Rear-Admiral David D. Porter, and to the officers, petty officers, seamen, and marines under his command, for the unsurpassed gallantry and skill exhibited by them in the attacks upon Fort Fisher, and the brilliant and decisive victory by which that important work has been captured from the rebel forces and placed in the possession and under the authority of the United States, and for their long and faithful services and unwavering devotion to the cause of the country in the midst of the greatest difficulties and dangers.

Thanks to Rear-Admiral D. D. Porter and his command for capture of Fort Fisher, and other services.

Resolution to be communicated.

SEC. 2. *And be it further resolved, That* the President of the United States be requested to communicate this resolution to Admiral Porter, and through him to the officers, seamen, and marines under his command.

Approved January 24, 1865. (Vol. 13, p. 566.)

A RESOLUTION to encourage the employment of disabled and discharged soldiers.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That* persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty should be preferred for appointments to civil offices, provided they shall be found to possess the business capacity necessary for the proper discharge of the duties of such offices.

Employment of honorably discharged soldiers and sailors recommended.

SEC. 2. *And be it further resolved, That*, in grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits, to give them the preference for appointments to remunerative situations and employments.

Approved March 3, 1865. (Vol. 13, p. 571.)

A RESOLUTION to encourage enlistments and to promote the efficiency of the military forces of the United States.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That,* for the purpose of encouraging enlistments and promoting the

Freedom to the wives and children of certain persons

efficiency of the military and naval forces of the United States, it is hereby enacted that the wife and children, if any he have, of any person that has been, or may be, mustered into the military or naval service of the United States shall, from and after the passage of this act, be forever free, any law, usage, or custom whatsoever to the contrary notwithstanding; and in determining who is or was the wife and who are the children of the enlisted person herein mentioned, evidence that he and the woman claimed to be his wife have cohabited together, or associated as husband and wife, and so continued to cohabit or associate at the time of the enlistment, or evidence that a form or ceremony of marriage, whether such marriage was or was not authorized or recognized by law, has been entered into or celebrated by them, and that the parties thereto thereafter lived together, or associated or cohabited as husband and wife, and so continued to live, cohabit, or associate at the time of the enlistment, shall be deemed sufficient proof of marriage for the purposes of this act, and the children born of any such marriage shall be deemed and taken to be the children embraced within the provisions of this act, whether such marriage shall or shall not have been dissolved at the time of such enlistment.

that have been or may be mustered into the military or naval service of the United States.

How such relations may be determined.

Approved March 3, 1865. (Vol. 13, p. 571.)

A RESOLUTION to authorize and direct an inventory of articles in the quartermasters' depots of the United States, and in possession of the naval storekeepers of the United States.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and is hereby, directed to cause a strict inspection to be made of the quartermasters' department, as soon as practicable after the passage of this resolution, and a comparison to be made between the reports of the officers in charge of the quartermasters' depots at New York, Philadelphia, Cincinnati, Saint Louis, and Louisville, and the articles on hand.*

Quartermasters' department to be inspected, &c.

SEC. 2. *And be it further resolved, That the Secretary of the Navy, in like manner, be directed to cause an inventory to be made of all the property of the United States in possession of the several naval storekeepers of the United States.*

Inventory of all property of the U. S. in the possession of naval storekeepers to be made.

Approved March 3, 1865. (Vol. 13, p. 571.)



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