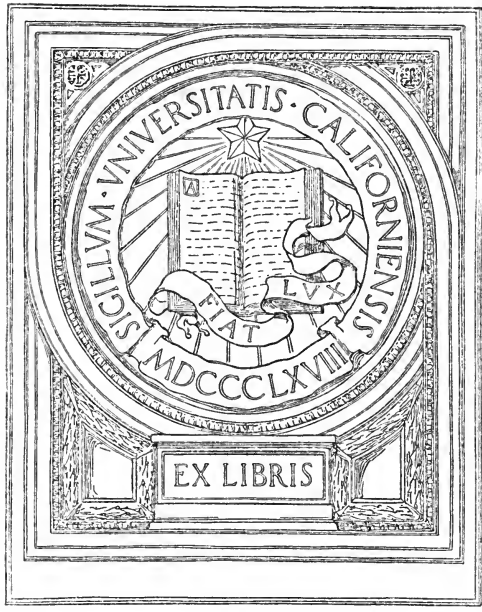


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Sept. 7th 1918

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U. S. Laws, statutes, etc.

L A W S

OF THE

UNITED STATES,

IN RELATION TO THE

N A V Y A N D M A R I N E C O R P S ;

TO THE CLOSE OF THE SECOND SESSION OF THE TWENTY-SIXTH CONGRESS.

TOGETHER WITH

THE ACTS AND RESOLUTIONS OF CONGRESS, GRANTING MEDALS, SWORDS,
AND VOTES OF THANKS, OR HAVING REFERENCE TO SPECIAL OBJECTS;
ALSO, PRIVATE ACTS, FOR THE RELIEF OF INDIVIDUALS, ALPHABETICALLY
ARRANGED: AND A TABLE OF APPROPRIATIONS AND EXPENDITURES,
FOR THE NAVAL SERVICE, FROM 1791 TO 1840, BOTH YEARS INCLUSIVE.

TO WHICH ARE PREFIXED THE

CONSTITUTION OF THE UNITED STATES, AND A SYNOPSIS OF THE LEGISLATION
OF CONGRESS, RESPECTING NAVAL AFFAIRS, DURING THE REVOLUTIONARY WAR.

WITH

AN APPENDIX,

CONTAINING THE LAWS PASSED AT THE TWENTY-SEVENTH CONGRESS.

PUBLISHED BY AUTHORITY OF THE NAVY DEPARTMENT.

COMPILED AND ARRANGED
BY BENJAMIN HOMANS,
OF THE NAVY DEPARTMENT.

WASHINGTON:
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PREFACE.

A compilation of naval laws was printed in 1826, but it by no means embraced all that had been passed anterior to that date; and as numerous other laws, having an important bearing upon the interests and operations of the service, have since been enacted, a new compilation was rendered very desirable, if not indispensable.

In the attempt now made, it has been thought advisable to embrace all the acts that have been passed, so that the reader might have a view of the whole legislation of Congress, concerning the naval establishment, from the formation of the Government. Although many of these laws are obsolete, they will serve to show the gradations through which the navy has risen to its present size.

All the acts of a special or private nature may be considered as obsolete, their provisions having been complied with soon after their approval. Their insertion here, however, has been thought appropriate, either to serve as precedents for future action, or to show what has heretofore been done in analagous cases.

The laws relating to the slave trade, having more or less connection with the operations of our naval forces, and defining the duties of commanders in their efforts to suppress it, have been inserted at length, although some of them make no allusion to public vessels; yet the frequent reference to previous acts seemed to call for the insertion of all.

The table of appropriations and expenditures has been compiled with great care from official documents, and exhibits the separate and aggregate amounts under each head. The statistical information it conveys will be valuable to the politician and the historian.

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CONSTITUTION

OF THE

UNITED STATES.

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.

All Legislative powers herein granted shall be vested in a Congress, 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 mem- Representatives, bers chosen every second year by the people of the several how chosen. States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

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 Apportionment of representatives and direct taxes. Census every 10 years.

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 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 & 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 classed. 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 farther 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 and subject to indictment, trial, judgment and punishment, according to law. Effect of.

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, where 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. Absent members

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. Rules. Expulsion.

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. Journals to be kept and published. Yeas and nays.

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. Adjournment.

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.

His powers over them. 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.

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;

Coin money. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

Weights & measures. To provide for the punishment of counterfeiting the securities and current coin of the United States;

Counterfeiting. To establish post offices and post roads;

Post roads. To promote the progress of science and useful arts, by se-

Promote arts and

- curing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;
- To constitute tribunals inferior to the Supreme Court;
- To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;
- To declare war, grant letters of marque and reprisal, and make rules concerning captures on land or water;
- To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
- To provide and maintain a navy;
- To make rules for the government and regulation of the land and naval forces;
- To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;
- 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;
- 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 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
- 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 office thereof.

science.

Inferior courts.

Piracies, &c.

Declare war and make captures.

Raise armies.

Navy.

Rules and articles of war.

Call out the militia.

Organize and govern the militia.

Officers, militia.

Exclusive legislation over seat of Government.

And over forts, arsenals, docks, &c.

To make general laws to carry pow'rs 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 eighteen 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 herein before directed to be taken.

Direct taxes.

No tax or duty shall be laid on articles exported from any State.

No exportation duty.

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.

Commerce between the States.

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 published.

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 any thing 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 nett 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 United
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:

Electors, 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,
& 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 count-

Their vot's count-
ed in Congress.

ed. 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.*

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 & meeting 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, etc. 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:—

“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.”

Oath.

SECTION II.

The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several

Powers and duties of the President.

* This clause of the Constitution has been amended. See twelfth article of the amendments, page 14.

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.

Judiciary, and tenure of Judges. 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.

SECTION II.

Powers of the Judiciary. The Judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States,

and the 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.*

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.

ARTICLE IV.

SECTION I.

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.

Acts of States accredited.

SECTION II.

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

Privileges of citizenship.

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.

Fugitives from crimes 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

Fugitive slaves to be delivered up.

* See Amendments—art. XI.

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 proper 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 Constitution, 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.

Debts of former Government recognised.

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.

What constitutes the supreme law.

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, any thing in the Constitution or laws of any State to the contrary notwithstanding.

Oath of public officers.

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. 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.

IN CONVENTION.

MONDAY, SEPTEMBER 17, 1787.

Resolved, That the preceding Constitution be laid before the United States in Congress assembled; and that it is the opinion of this Convention that it should afterwards be submitted to a convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each convention, assenting to and ratifying the same, should give notice thereof to the United States in Congress assembled.

Resolved, That it is the opinion of this Convention, that, as soon as the conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the States which shall have ratified the same, and a day on which electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution; that, after such publication, the electors should be appointed, and the Senators and Representatives elected; that the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting the votes for President; and that, after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

By the unanimous order of the Convention:

G. WASHINGTON, *President.*

IN CONVENTION.

SEPTEMBER 17, 1787.

SIR: We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties; that of levying money, and regulating commerce, and the correspondent Executive and Judicial authorities, should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trust to one body of men is evident: hence results the necessity of a different organization.

It is obviously impracticable, in the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend, as well on situation and circumstances, as on the object to be obtained. It is at all times difficult to draw with precision, the line between those rights which must be surrendered and those which may be reserved; and, on the present occasion, this difficulty was increased by a difference among the several States, as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American—the consolidation of our Union; in which is involved our prosperity, felicity, safety—perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the Constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State, is not perhaps to be expected; but each will doubtless consider, that, had her interest alone been consulted, the consequences might have been particularly disagreeable or injurious to others. That it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish. With great respect, we have the honor to be, sir, your excellency's most obedient and humble servants.

By the unanimous order of the Convention:

G. WASHINGTON, *President.*

His Excellency the PRESIDENT of Congress.

The United States in Congress assembled.

FRIDAY, SEPTEMBER 28, 1787.

Congress having received the report of the Convention lately assembled in Philadelphia,

Resolved, unanimously, That the said report, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention, made and provided in that case.

CHARLES THOMSON, *Secretary.*

AMENDMENTS.

Article the First.

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.

Amendments to
Constitution.

Article the Second.

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.

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.

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.

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.

Article the Sixth.

Amendments to
Constitution.

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

Article the Eighth.

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

Article the Ninth.

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

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.

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.

Article the Twelfth.

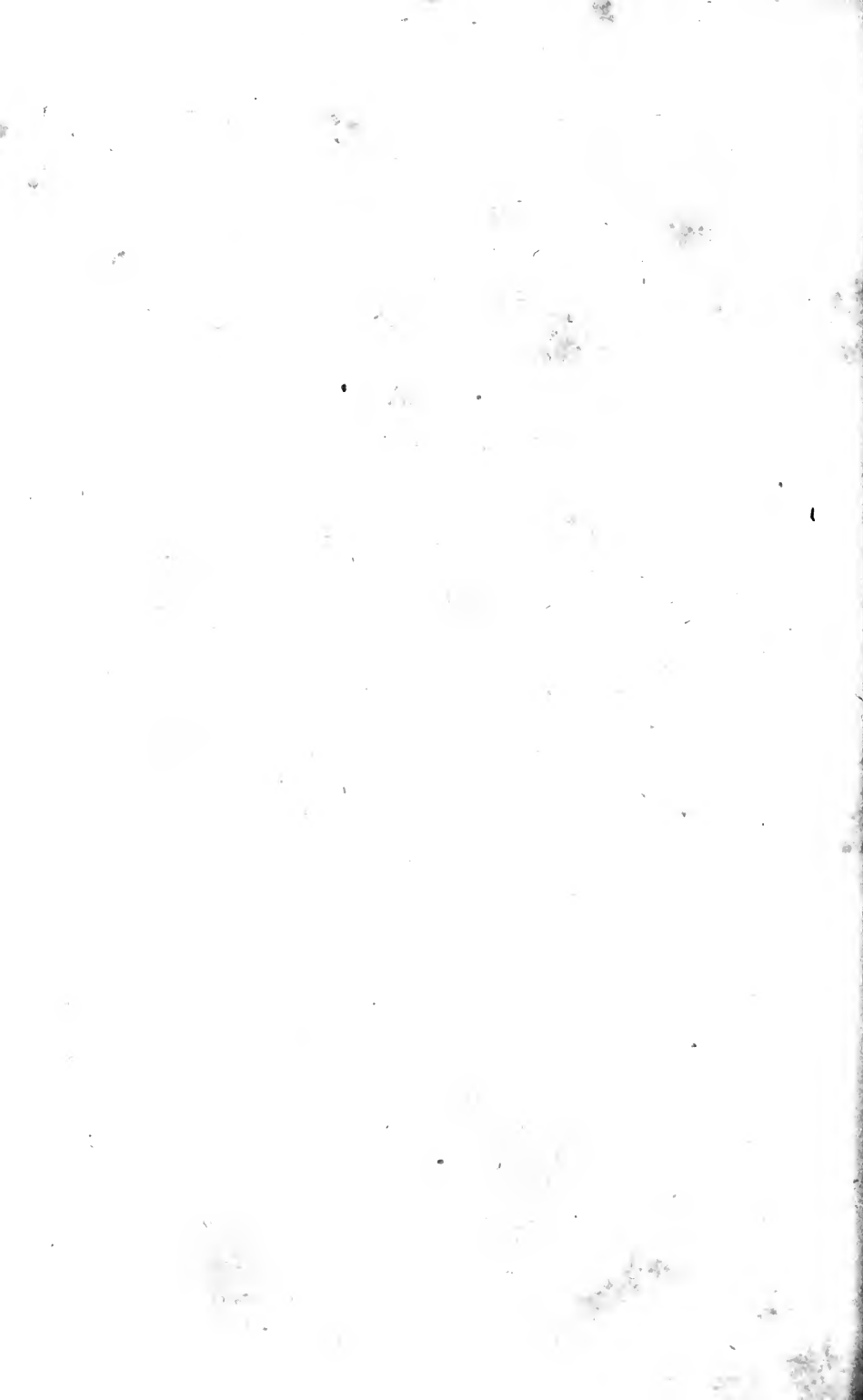
The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves ; they shall name in their ballots the person voted for as President ; and in distinct ballots the person voted 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 : 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.

Amendments to
Constitution.

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.



ORIGIN, ETC.
OF THE
NAVAL ESTABLISHMENT
OF THE
UNITED STATES.

Resolved, That two battalions of marines be raised, consisting of one colonel, two lieutenant colonels, two majors, and other officers, as usual in other regiments; that they consist of an equal number of privates, with other battalions; that particular care be taken that no persons be appointed to offices, or enlisted into said battalions, but such as are good seamen, or so acquainted with maritime affairs, as to be able to serve to advantage by sea, when required; that they be enlisted and commissioned to serve for and during the present war between Great Britain and the colonies, unless dismissed by order of Congress; that they be distinguished by the names of the first and second battalions of American marines.

In Congress,
Nov. 10, 1775.

1. *Resolved,* That all such ships of war, frigates, sloops, cutters, and armed vessels, as are, or shall be, employed in the present cruel and unjust war against the United Colonies, and shall fall into the hands of, or be taken by, the inhabitants thereof, be seized and forfeited to and for the purposes hereinafter mentioned.

In Congress,
Nov. 25, 1775.

2. *Resolved,* That all transport vessels in the same service, having on board any troops, arms, ammunition, clothing, provisions, or military or naval stores, of what kind soever, and all vessels to whomsoever belonging, that shall be employed in carrying provisions, or other necessaries, to the British army, or armies, or navy, that now are, or shall hereafter be, within any of the United Colonies, or any goods, wares, or merchandise, for the use of such fleet or army, shall be liable to seizure, and, with their cargoes, shall be confiscated.

3. *Resolved,* That no master or commander of any vessel shall be entitled to cruise for, or make prize of, any vessel or cargo, before he shall have obtained a commission from the Congress, or from such person or persons as shall be for that purpose appointed, in some one of the United Colonies.

In Congress,
Nov. 25, 1775.

4. That it be, and is hereby, recommended to the several legislatures in the United Colonies, as soon as possible to erect courts of justice, or give jurisdiction to the courts now in being, for the purpose of determining concerning the captures to be made as aforesaid, and to provide that all trials, in such case, be had by a jury, under such qualifications as to the respective legislatures shall seem expedient.

5. That all prosecutions shall be commenced in the court of that colony in which the captures shall be made; but if no such court be at that time erected in the said colony, or if the capture be made on open sea, then the prosecution shall be in the court of such colony as the captor may find most convenient: *provided*, that nothing contained in this resolution shall be construed so as to enable the captor to remove his prize from any colony competent to determine concerning the seizure, after he shall have carried the vessel so seized within any harbor of the same.

6. That in all cases an appeal shall be allowed to the Congress, or such person or persons as they shall appoint for the trial of appeals; *provided* the appeal be demanded within five days after definitive sentence, and such appeal be lodged with the Secretary of Congress within forty days afterwards; *and provided* the party appealing shall give security to prosecute the said appeal to effect: and in case of the death of the Secretary during the recess of Congress, then the said appeal to be lodged in Congress within twenty days after the meeting thereof.

7. That when any vessel or vessels shall be fitted out at the expense of any private person or persons, then the captures made shall be to the use of the owner or owners of the said vessel or vessels; that where the vessels employed in the capture shall be fitted out at the expense of any of the United Colonies, then one-third of the prize taken shall be to the use of the captors, and the remaining two-thirds to the use of the said colony; and where the vessels so employed shall be fitted out at the continental charge, then one-third shall go to the captors, and the remaining two-thirds to the use of the United Colonies: *provided, nevertheless*, that if the capture be a vessel of war, then the captors shall be entitled to one-half of the value, and the remainder shall go to the colony or continent, as the case may be; the necessary charges of condemnation of all prizes being deducted before distribution made.

In Congress,
Nov. 28, 1775.

The Congress resumed the consideration of the rules and orders for the navy of the United Colonies, and the same being debated by paragraphs, were agreed to.

[NOTE.—As the rules and regulations of the navy, ordained by Congress prior to the adoption of the constitution in 1788, have been, in an approved form, enacted into a law of the United States, it is deemed unnecessary to insert them here. See the act of April 23, 1800; chap. 187, vol. 3.]

In Congress,
Dec. 5, 1775.

Resolved, That in cases of re-captures, the re-captors have, and retain, in lieu of salvage, one-eighth part of the true value of the vessel and cargo, or either of them, if the same hath or

have been in possession of the enemy twenty-four hours; one-fifth part, if more than twenty-four hours, and less than forty-eight hours; one-third part, if more than forty-eight, and less than ninety-six hours; and one-half, if more than ninety-six hours, unless the vessel shall, after the capture, have been legally condemned as a prize by some court of admiralty, in which case the re-captors to have the whole: in all which cases, the share detained, or prize, to be divided between the owners of the ship making the re-capture, the colony, or the continent, as the case may be, and the captors, agreeably to a former resolution.

In Congress,
Dec. 5, 1775.

Resolved, That a committee be appointed to devise ways and means for furnishing these colonies with a naval armament, and report with all convenient speed.

In Congress,
Dec. 11, 1775.

The committee appointed to devise ways and means for fitting out a naval armament, brought in their report, which, being read and debated, was agreed to as follows:

In Congress,
Dec. 13, 1775.

That five ships of 32 guns, five of 28 guns, three of 24 guns, making in the whole thirteen, can be fitted for the sea, probably by the last of March next, viz: in New Hampshire one, in Massachusetts Bay two, in Connecticut one, in Rhode Island two, in New York two, in Pennsylvania four, and in Maryland one.

That the cost of these ships, so fitted, will not be more than 66,666 $\frac{2}{3}$ dollars each, on an average, allowing two complete suits of sails for each ship, equal in the whole to 866,666 $\frac{2}{3}$ dollars.

That the materials for fitting them may be all furnished in these colonies, except the articles of canvass and gunpowder; and that, therefore, it will be proper the Congress direct the most speedy and effectual means of importing the said articles of canvass and powder; that of the former, 7,500 pieces will be wanted, and that of the latter, one hundred tons.

Resolved, That a committee be appointed with full powers to carry the said report into execution, with all possible expedition, (except what relates to canvass and powder,) at the expense of the United Colonies.

Resolved, That the committee for fitting out armed vessels, issue warrants to all officers employed in the fleet under the rank of third lieutenants.

In Congress,
Dec. 23, 1775.

Resolved, That the said committee be directed (as a secret committee) to give such instructions to the commander of the fleet, touching the operations of the ships under his command, as shall appear to the said committee most conducive to the defence of the United Colonies, and to the distress of the enemy's naval forces and vessels bringing supplies to their fleets and armies, and lay such instructions before the Congress when called for.

The committee, to whom it was referred to consider how the share of prizes allotted to the captors ought to be divided between the officers and men, brought in their report; which, being taken into consideration, was agreed to as follows:

In Congress,
January 6, 1776.

Distribution of
prize money.

Resolved, That the commander-in-chief have one-twentieth part of the said allotted prize money, taken by any ship or ships, armed vessel or vessels, under his orders and command.

That the captain of any single ship, or armed vessel, have two-twentieth parts for his share, but if more ships or armed vessels be in company, when a prize is taken, then the two-twentieth parts to be divided amongst all the said captains.

That the captains of marines, lieutenants of the ships or armed vessels, and masters thereof, share together, and have three-twentieth parts divided among them equally, of all prizes taken when they are in company.

That the lieutenants of marines, surgeons, chaplains, purser, boatswains, gunners, carpenters, the master's mates, and the secretary of the fleet, share together, and have two-twentieth parts and one-half of a twentieth part, divided among them equally, of all prizes taken when they are in company.

That the following petty warrant, and petty officers, viz : (allowing for each ship six midshipmen, for each brig four midshipmen, and each sloop two midshipmen, one captain's clerk, one surgeon's mate, one steward, one sailmaker, one cooper, one armorer, two boatswain's mates, two gunner's mates, two carpenter's mates, one cook, one cockswain, two sergeants of marines for each ship, and one sergeant for each brig and sloop) have three-twentieth parts divided among them, equally ; and when a prize is taken by any ship or vessel, on board or in company of which the commander-in-chief is, then the commander-in-chief's cook or cockswain to be added to this allotment, and have their shares with these last mentioned.

That the remaining eight-twentieth parts and one-half of the twentieth part, be divided among the rest of the ship or ship's companies, as it may happen, share and share alike.

That no officer or man have any share, but such as are actually on board their several vessels when any prize or prizes are taken, excepting only such as may have been ordered on board any other prizes before taken, or sent away by his or their commanding officers.

In Congress,
January 25, 1776.

Resolved, That the direction of the fleet fitted out by order of Congress be left to the naval committee.

In Congress,
March 23, 1776.

Resolved, That the inhabitants of these colonies be permitted to fit out armed vessels to cruise on the enemies of these United Colonies.

In Congress,
April 2, 1776.

The committee appointed to prepare the form of a commission, and instructions to commanders of private ships of war, brought in the same, which were read.

The commission being agreed to, is as follows :

The delegates of the United Colonies of New Hampshire, &c.

Form of commission for private
armed vessels.

to all to whom these presents shall come, greeting : Know ye, that we have granted, and by these presents do grant, license and authority to _____, mariner, commander of the _____, called _____, of the burden of _____ tons, or thereabouts, belonging to _____ of _____, in the colony of _____, mount-

ing ——— carriage guns, and navigated by ——— men, to fit out and set forth the said ———, in a warlike manner, and by and with the said ——— and crew thereof, by force of arms to attack, seize, and take the ships and other vessels belonging to the inhabitants of Great Britain, or any of them, with their tackle, apparel, furniture, and lading, on the high seas, or between high and low water marks, and to bring the same to some convenient ports in the said colonies, in order that the courts, which are or shall be there appointed to hear and determine causes, civil and maritime, may proceed in due form to condemn the said captures, if they be adjudged lawful prize; the said ——— having given bond, with sufficient sureties, that nothing be done by the said ———, or any of the officers, mariners, or company thereof, contrary to, or inconsistent with, the usages and customs of nations, and the instructions, a copy of which is herewith delivered to him. And we will and require all our officers whatsoever, to give succor and assistance to the said ——— in the premises. This commission will continue in force until the Congress shall issue orders to the contrary.

By order of Congress:

Attest ———.

—————, *President*.

Resolved, That blank commissions for private ships of war, and letters of marque and reprisal, signed by the President, be sent to the general assemblies, conventions, and councils, or committees of safety, of the United Colonies, to be by them filled up and delivered to the persons intending to fit out such private ships of war, for making captures of British vessels and cargoes, who shall apply for the same, and execute the bonds which shall be sent with the said commissions, which bonds shall be returned to the Congress.

In Congress,
April 3, 1776.
Commissions for
private armed
vessels to be sent,
etc.

Resolved, That every person intending to set forth and fit out a private ship or vessel of war, and applying for a commission or letter of marque and reprisal for that purpose, shall produce a writing subscribed by him, containing the name and tonnage or burden of the ship or vessel, the number of her guns, with their weight of metal, the name and place of residence of the owner or owners, the names of the commander and other officers, the number of the crew, and the quantity of provisions and warlike stores; which writing shall be delivered to the secretary of Congress, or to the clerk of the House of Representatives, convention, or council, or committee of safety, of the colony in which the ship or vessel may be, to be transmitted to the said secretary, and shall be registered by him; and that the commander of the ship or vessel, before the commission or letter of marque and reprisal may be granted, shall, together with sureties, seal and deliver a bond, in the penalty of five thousand dollars, if the vessel be of one hundred tons or under, or ten thousand dollars, if of a greater burden, payable to the President of the Congress, in trust, for the use of the United Colonies, with condition in the form following, to wit: "The condition of this obligation is such, that if the above bounden

Applications for
commissions in
writing, etc.

Bond, etc.

In Congress,
April 3, 1776.

_____, who is commander of the _____ called _____, belonging to _____, of _____, in the colony of _____, mounting _____ carriage guns, and navigated by _____ men, and who hath applied for a commission, and letters of marque and reprisal, to arm, equip, and set forth to sea the said _____, as a private ship of war, and to make captures of British vessels and cargoes, shall not exceed or transgress the powers and authorities which shall be contained in the said commission, but shall, in all things, observe and conduct himself and govern his crew, by and according to the same, and certain instructions therewith to be delivered, and such other instructions as may hereafter be given to him; and shall make reparation for all damages sustained by any misconduct or unwarrantable proceedings of himself, or the officers or crew of the said _____, then this obligation shall be void, or else remain in force:" which bond shall be lodged with the said secretary of Congress.

In Congress,
June 6, 1776.

Resolved, That the marine committee be empowered to affix the names to each particular ship, and determine the vessel which each captain is to take command of.

In Congress,
August 5, 1776.

Resolved, That the marine committee be directed to order the ships and armed vessels, belonging to the continent, out on such cruises as they shall think proper.

In Congress,
August 23, 1776.

Resolved, That the marine committee be authorized and empowered to purchase materials in all such parts of America, as they may think proper, for building more ships of war, and that the said committee report to Congress a plan of the ships that should be built in addition to the present navy.

In Congress,
October 30, 1776.

Resolved, That the rank of officers of marines be the same as officers of similar commissions in the land service:

Rank, etc., of officers, etc., of marines.

That the commanders, officers, seamen, and marines, in the continental navy, be entitled to one-half of merchantmen, transports, and store-ships, by them taken, from and after the first day of November, 1776, to be divided amongst them in the shares and proportions fixed by former resolutions of Congress:

That the commanders, officers, seamen, and marines, in the continental navy, be entitled to the whole value of all ships and vessels of war belonging to the crown of Great Britain, by them made prize of, and all privateers authorized by his Britannic majesty to war against these States, to be divided as aforesaid.

In Congress,
Nov. 15, 1776.

Congress took into consideration the report of the committee relative to the navy: whereupon,

Bounty for captures.

Resolved, That a bounty of twenty dollars be paid to the commanders, officers, and men, of such continental ships or vessels of war, as shall make prize of any British ships or vessels of war, for every cannon mounted on board each prize at the time of such capture; and eight dollars per head, for every man then on board, and belonging to such prize:

Relative rank of naval and land officers.

That the rank of the naval officers be, to the rank of officers in the land service, as follows:

Admiral - - - as a - General,

In Congress,
Oct. 28, 1779.

in the service of the United States, with their rank and the date of their commissions, which commissions shall be signed by the president of Congress, and countersigned by the secretary of the said board of admiralty; publish, annually, a register of all appointments; obtain regular and exact returns of all warlike stores, clothing, provisions, and all other necessary articles, belonging to the marine department; take the care and direction of all marine prisoners; execute all such matters as shall be directed, and give their opinion on all such subjects as shall be referred to them by Congress, or as they may think necessary for the better regulation and improvement of the navy of the United States; and, in general, to superintend and direct all the branches of the marine department:

That the said board shall sit in the place where Congress shall be held, and no member of the board shall absent himself, without leave of Congress, or the committee of the States, in the recess of Congress:

That all the proceedings of the said board shall be inspected by Congress, or a committee by them appointed for that purpose, as often as may be thought proper and convenient; and every member of Congress may have free access to the records and papers of the said board, excepting such as are in their nature secret:

That all navy and marine officers, and others, attending upon, or connected with, the admiralty department, be, and they are hereby, required and enjoined, to observe the directions of the said board, in all such other matters as they may be directed, or may tend, to facilitate the business of the department.

Resolved, That the salary of each of the three commissioners, who shall conduct the business of the board of admiralty, be fourteen thousand dollars per annum, and the salary of the secretary of the said board, be ten thousand dollars per annum; said salaries to be annually, or oftener, if Congress shall judge it expedient, revised and altered, agreeably to the appreciation of the continental currency.

In Congress,
Nov. 16, 1779.

That the marine committee be authorized, from time to time, to appoint advocates for the purpose of taking care of, and managing, the maritime causes in which the United States are, or may be, concerned.

In Congress,
Dec. 8, 1779.

Resolved, That all matters heretofore referred to the marine committee, be transmitted to the board of admiralty.

In Congress,
January 8, 1780.

Resolved, That the marines of the navy of the United States, whilst doing garrison duty, be allowed the same subsistence moneys as are allowed to the officers and soldiers of the line of the army.

In Congress,
April 20, 1780.

The board of admiralty reported the form of a commission for the naval officers in the employ of the United States, which was agreed to, as follows:

The United States of America in Congress assembled, to —
—, greeting.

Form of commission for naval officers.

We, reposing especial trust and confidence in your valor,

conduct, and fidelity, do, by these presents, constitute and appoint you to be _____ in the navy of the United States, to take rank from the _____; you are, therefore, carefully and diligently to discharge the duty of _____, by doing and performing all manner of things thereunto belonging. And we do strictly charge and require all officers, marines, and seamen under your command, to be obedient to your orders, as _____. And you are to observe and follow such orders and directions, from time to time, as you shall receive from Congress, a committee of the States, the board of admiralty, the commander-in-chief, for the time being, of the navy of the United States, or any other, your superior, officer, according to the rules and discipline of the navy and the usage of the sea. This commission to continue in force until revoked by Congress, or a committee of the States.

In Congress,
April 20, 1780.

Witness _____, president of the Congress of the United States of America, at _____, the _____ day of _____, in the year of our Lord _____, and in the _____ year of our independence.

Entered in the admiralty office, and examined by the board.
Attest _____, *Secretary of the Board of Admiralty.*

A report from the board of admiralty was read: whereupon, *Resolved*, That any officer who, by virtue of his commission, or warrant, hath served, or hereafter shall serve, on board any ship of war, of twenty guns and upwards, belonging to the navy of these States, and shall thereafter serve in the same rank on board any other vessel of inferior force, such officer shall receive the same pay as he was entitled to when serving in a ship of twenty guns and upwards; any resolution to the contrary notwithstanding.

In Congress,
August 7, 1780.

Resolved, That there be a Superintendent of Finance, a Secretary of War, and a Secretary of Marine.

In Congress,
February 7, 1781.

Resolved, That it shall be the duty of the Secretary of Marine to examine into, and report to Congress, the present state of the navy, a register of the officers, in and out of command, and the dates of their respective commissions; and an account of all the naval and other stores belonging to the department; to form estimates of all pay, equipments, and supplies, necessary for the navy; and, from time to time, to report such estimates to the Superintendent of Finance, that he may take measures for providing for the expenses, in such manner as may best suit the condition of the public treasury; to superintend and direct the execution of all resolutions of Congress respecting naval preparations; to make out, seal, and countersign, all marine commissions, keep registers thereof, and publish annually a list of all appointments; to report to Congress the officers and agents necessary to assist him in the business of his department; and, in general, to execute all the duties and powers specified in the act of Congress constituting the board of admiralty.

Resolved, That the care of the marine prisoners, heretofore entrusted to the board of admiralty, be transferred to the com-

In Congress,
July 18, 1781.

In Congress,
July 18, 1781.

missary of prisoners, under the superintendence of the board of war.

That the seal of the admiralty be deposited with the secretary of Congress; and that he seal and countersign the like commissions as have heretofore been issued by the board of admiralty, by order of Congress, until a Secretary of Marine shall be appointed.

In Congress,
August 29, 1781.

On a report of a committee, consisting of Mr. Bland, Mr. Varnum, Mr. Duane, to whom were referred sundry motions relative to the board of admiralty, the navy boards, and the mode of conducting the business of the navy :

Resolved, That, for the present, an agent of the marine be appointed, with authority to direct, fit out, equip, and employ, the ships and vessels belonging to the United States, according to such instructions as he shall, from time to time, receive from Congress :

That all prizes belonging to the United States be sold under his direction, and the produce deposited by him in the hands of the Superintendent of Finance :

That all accounts and demands for pay, and for all disbursements and expenses, respecting the said marine, be transmitted to the said agent for settlement and payment; and that he cause regular entries thereof to be made and kept :

That he shall be allowed a salary at the rate of fifteen hundred dollars per annum, in full of all charges and expenses whatsoever; that he shall also be allowed a clerk, who shall receive, for his services, a salary at the rate of five hundred dollars per annum :

That both the agent and clerk shall, before they enter into their respective offices, take an oath before the President of Congress, well and faithfully to execute the trust reposed in them, according to the best of their skill and judgment; and shall enter into bond, with good and sufficient surety, for the due and faithful performance of his office, which shall be lodged in the office of the secretary of Congress :

That, as soon as the said agent shall enter into the execution of his office, the functions and appointments of the board of admiralty, the several navy boards, and all civil officers appointed under them, shall cease and be determined.

And, lastly, that the registers, books, and papers, belonging to the admiralty and navy boards, or in their custody, shall be delivered over to the said agent, and preserved by him.

In Congress,
Sept. 7, 1781.

Resolved, That, until an agent of marine shall be appointed by Congress, all the duties, powers, and authority, assigned to the said agent, be devolved upon, and executed by, the Superintendent of Finance :

That as soon as the said superintendent shall take upon him the execution of the duties, powers, and authority, hereby devolved upon him, the functions and appointments of the board of admiralty, the several navy boards, agents, and all civil officers under them, shall cease and determine.

Resolved, That the registers, books, and papers, belonging to the admiralty and navy boards, or in their custody, be delivered over to the said Superintendent of Finance, and preserved by him.

In Congress,
Sept. 7, 1781.

On a report of a committee, consisting of Mr. Connell, Mr. Randolph, and Mr. Carroll, to whom was referred a letter of the 17th of November last, from the Superintendent of Finance:

In Congress,
Nov. 20, 1781.

Resolved, That the powers vested by the resolutions of the 8th of February, 1780, in the board of admiralty, and navy board, respectively, in case of the loss of any ship or vessel of war, in the service of the United States, be vested in the Secretary of Marine; or until he be appointed and enter upon the execution of his office, in the agent of marine; except that neither the secretary nor agent of marine shall be authorized to sit in any court of inquiry.

Resolved, That it shall be the duty of the secretary or agent of marine to transmit to the United States in Congress assembled, the proceedings of courts martial, previous to the execution of any capital sentence which may be awarded.

Resolved, That the powers and duties hereby assigned to the secretary or agent of marine, be assigned to the Superintendent of Finance, to be exercised by him, until such secretary or agent of marine shall be appointed.

Resolved, That the power of negotiating the exchange of marine prisoners be henceforth vested in the agent of marine, who is hereby authorized to appoint a commissary for marine prisoners, to be subject to his orders and instructions.

In Congress,
July 24, 1782.

On the report of a committee, consisting of Mr. Fitzsimons, Mr. Peters, and Mr. Holten, to whom was recommitted their report, on a motion of Mr. Holten, respecting bonds given by commanders of private armed vessels:

In Congress,
June 2, 1783.

Resolved, That the agent of marine, for the time being, be, and he is hereby, authorized and directed, whensoever complaints are exhibited of public abuses or private injuries committed by the captains or commanders of any privateers, or armed vessels, sailing under the authority of the United States, to cause such legal measures for obtaining redress, by means of the bonds given on taking out commissions for such privateers or armed vessels, for any abuses or injuries contrary to their instructions; or in violation of the maritime ordinances of the United States, or the laws and customs of nations, as to justice appertains; all prosecutions for private injuries, upon said bonds, to be at the risk and expense of the complainants, or the persons said to be aggrieved.

The agent of marine, to whom was referred a resolution of the House of Delegates, of the State of Virginia, of 26th of June, 1783, reported:

In Congress,
August 5, 1783.

That although it is an object highly desirable to establish a respectable marine, yet the situation of the public treasury renders it not advisable to purchase ships for the present, nor until the several States shall grant such funds for the construction of

In Congress,
August 5, 1783.

ships, docks, and naval arsenals, and for the support of the naval service, as shall enable the United States to establish their marine upon a permanent and respectable footing.

Resolved, That Congress agree to the report.

In Congress,
August 1, 1787.

Resolved, That the commissioner of marine accounts, in settling the accounts of the officers, seamen, and marines, of the late navy of the United States, govern himself by the principles established for the line of the army, by the act of Congress of the 10th of April, 1780,* so far as the same relates to the allowance for depreciation; *provided*, that no officer, seaman, or marine, be entitled to the benefit of this resolve, who was not in service, or liable to be called into service, on the 10th of April, 1780.

In Congress,
April 10, 1780.

* *Resolved*, That when Congress shall be furnished with proper documents to liquidate the depreciation of the continental bills of credit, they will, as soon thereafter as the state of the public finances will admit, make good to the line of the army, and the independent corps thereof, the deficiency of their original pay occasioned by such depreciation; and that the money and articles heretofore paid or furnished, or hereafter to be paid or furnished, by Congress or the States, or any of them, as for pay, subsistence, or to compensate for deficiencies, shall be deemed as advanced on account, until such liquidation as aforesaid shall be adjusted; it being the determination of Congress, that all the troops serving in the continental army shall be placed on an equal footing: *provided*, that no person shall have any benefit of this resolution, except such as were engaged during the war, or for three years, and are now in service, or shall hereafter engage during the war.

LAWS OF CONGRESS,

IN RELATION TO THE

NAVY AND MARINE CORPS.

AN ACT to regulate the time and manner of administering certain oaths.

1789.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the oath or affirmation required by the sixth article of the Constitution of the United States shall be administered in the form following, to wit,—"I, A. B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States."

Form of oath to support the Constitution.

SEC. 4. *And be it further enacted,* That all officers appointed, or hereafter to be appointed, under the authority of the United States, shall, before they act in their respective offices, take the same oath or affirmation, which shall be administered by the person or persons who shall be authorized by law to administer to such officers their respective oaths of office; and such officers shall incur the same penalties in case of failure, as shall be imposed by law in case of failure in taking their respective oaths of office.

To all officers of the United States appointed or to be appointed, before they act.

APPROVED, June 1, 1789.

AN ACT to establish an executive department, to be denominated the department of war.

SEC. 1. *Be it enacted, &c.,* That there shall be an executive department, to be denominated the Department of War; and that there shall be a principal officer therein, to be called the Secretary for the Department of War, who shall perform and execute such duties as shall from time to time be enjoined on, or entrusted to, him by the President of the United States, agreeably to the Constitution, relative to military commissions, or to the land or naval forces, ships, or warlike stores of the United States, or to such other matters respecting military or naval affairs, as the President of the United States shall assign to the said department, or relative to the granting of lands to persons entitled thereto, for military services rendered to the United States, or relative to Indian affairs: And furthermore, that the said principal officer shall conduct the business of the

Secretary for the department of war, his duty.

1789. said department in such manner as the President of the United States shall from time to time order or instruct.

APPROVED, August 7, 1789.

[So much of this act as vests in the Secretary of War the direction of naval affairs, repealed by act of April 30, 1798, establishing a Navy Department.]

AN ACT making an alteration in the flag of the United States.*

[Altered, April 4, 1818.]

Alteration in flag
of U. S.

Be it enacted, &c., That from and after the first day of May, anno Domini one thousand seven hundred and ninety-five, the flag of the United States be fifteen stripes, alternate red and white. That the Union be fifteen stars, white, in a blue field.

APPROVED, January 13, 1794.

AN ACT to prohibit the carrying on the slave-trade from the United States to any foreign place or country.

Slave trade pro-
hibited.

SEC. 1. *Be it enacted, &c.*, That no citizen or citizens of the United States, or foreigner, or any other person coming into, or residing within, the same, shall, for himself or any other person whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare, any ship or vessel, within any port or place of the said United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of carrying on any trade or traffic in slaves, to any foreign country; or for the purpose of procuring, from any foreign kingdom, place, or country, the inhabitants of such kingdom, place, or country, to be transported to any foreign country, port, or place, whatever, to be sold or disposed of as slaves; and if any ship or vessel shall be so fitted out, as aforesaid, for the said purposes, or shall be caused to sail, so as aforesaid, every such ship or vessel, her tackle, furniture, apparel, and other appurtenances, shall be forfeited to the United States; and shall be liable to be seized, prosecuted, and condemned, in any of the circuit courts or district court for the district, where the said ship or vessel may be found and seized.

Vessels so fitted,
to be forfeited.

Persons fitting
out, shall forfeit
and pay \$2,000.

SEC. 2. That all and every person so building, fitting out, equipping, loading, or otherwise preparing, or sending away, any ship or vessel, knowing, or intending, that the same shall be employed in such trade or business, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay the sum of two thousand dollars; one moiety thereof to the use of the United States, and the other moiety thereof to the use of him or her who shall sue for and prosecute the same.

SEC. 3. That the owner, master, or factor, of each and every foreign ship or vessel, clearing out for any of the coasts or king-

* In Congress, June 14, 1777. *Resolved*, That the flag of the thirteen United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white, in a blue field, representing a new constellation.

doms of Africa, or suspected to be intended for the slave trade, and the suspicion being declared to the officer of the customs by any citizen, on oath or affirmation, and such information being to the satisfaction of the said officer, shall first give bond with sufficient sureties to the Treasurer of the United States, that none of the natives of Africa, or any other foreign country or place, shall be taken on board the said ship or vessel, to be transported or sold as slaves in any other foreign port or place whatever, within nine months thereafter.

SEC. 4. That if any citizen or citizens of the United States shall, contrary to the true intent and meaning of this act, take on board, receive, or transport any such persons, as above described in this act, for the purpose of selling them as slaves, as aforesaid, he or they shall forfeit and pay, for each and every person so received on board, transported, or sold as aforesaid, the sum of two hundred dollars, to be recovered in any court of the United States proper to try the same; the one moiety thereof to the use of the United States, and the other moiety to the use of such person or persons who shall sue for and prosecute the same.

APPROVED, March 22, 1794.

AN ACT to provide a naval armament.
[Obsolete.]

Whereas, the depredations committed by the Algerine corsairs on the commerce of the United States render it necessary that a naval force should be provided for its protection :

SEC. 1. *Be it therefore enacted, &c.*, That the President of the United States be authorized to provide, by purchase or otherwise, equip and employ, four ships to carry forty-four guns each, and two ships to carry thirty-six guns each.

SEC. 2. *And be it further enacted*, That there shall be employed on board each of the said ships of forty-four guns, one captain, four lieutenants, one lieutenant of marines, one chaplain, one surgeon, and two surgeon's mates; and in each of the ships of thirty-six guns, one captain, three lieutenants, one lieutenant of marines, one surgeon, and one surgeon's mate, who shall be appointed and commissioned in like manner as other officers of the United States are.

SEC. 3. *And be it further enacted*, That there shall be employed, in each of the said ships, the following warrant-officers, who shall be appointed by the President of the United States, to wit: one sailing-master, one purser, one boatswain, one gunner, one sail-maker, one carpenter, and eight midshipmen; and the following petty officers, who shall be appointed by the captains of the ships, respectively, in which they are to be employed, viz: two master's mates, one captain's clerk, two boatswain's mates, one cockswain, one sail-maker's mate, two gunner's mates, one yeoman of the gun-room; nine quarter-

1794.

Foreign vessels suspected to be intended for the slave trade, to give bond.

Citizens of U. S. taking on board persons, for the purpose of selling them as slaves, to forfeit \$200 for each.

President U. S. to provide four ships of 44 guns, and two ships of 36 guns each.

How officered.

Warrant and petty officers—how appointed.

1794.

gunners, (and for the four larger ships) two additional quarter-gunners, two carpenter's mates, one armorer, one steward, one cooper, one master-at-arms, and one cook.

Complement of each class of vessels.

SEC. 4. *And be it further enacted*, That the crews of each of the said ships of forty-four guns shall consist of one hundred and fifty seamen, one hundred and three midshipmen and ordinary seamen, one sergeant, one corporal, one drum, one fife, and fifty marines: And that the crews of each of the said ships of thirty-six guns shall consist of one hundred and thirty able seamen and midshipmen, ninety ordinary seamen, one sergeant, two corporals, one drum, one fife, and forty marines, over and above the officers herein before mentioned.

President U. S. may purchase a force not exceeding that directed by this act.

SEC. 5. *And be it further enacted*, That the President of the United States be, and he is hereby, empowered to provide, by purchase or otherwise, in lieu of the said six ships, a naval force not exceeding in the whole, that by this act directed, so that no ship thus provided, shall carry less than thirty-two guns; or he may so provide any proportion thereof, which, in his discretion, he may think proper.

Pay and subsistence.

SEC. 6. *And be it further enacted*, That the pay and subsistence of the respective commissioned and warrant officers be as follows: A captain, seventy-five dollars per month, and six rations per day: A lieutenant, forty dollars per month, and three rations per day; a lieutenant of marines, twenty-six dollars per month, and two rations per day; a chaplain, forty dollars per month, and two rations per day; a sailing-master, forty dollars per month, and two rations per day; a surgeon, fifty dollars per month, and two rations per day; a surgeon's mate, thirty dollars per month, and two rations per day; a purser, forty dollars per month, and two rations per day; a boatswain, fourteen dollars per month, and two rations per day; a gunner, fourteen dollars per month, and two rations per day; a sail-maker, fourteen dollars per month, and two rations per day; a carpenter, fourteen dollars per month, and two rations per day.

Pay to petty officers to be fixed by the President.

SEC. 7. *And be it further enacted*, That the pay to be allowed to the petty officers, midshipmen, 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 shall not exceed twenty-seven thousand dollars per month, and that each of the said persons shall be entitled to one ration per day.

Not to exceed a certain sum.

Component parts of rations.

SEC. 8. *And be it further enacted*, That the ration shall consist of, as follows: Sunday, one pound of bread, one pound and a half of beef, and half a pint of rice: Monday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese: Tuesday, one pound of bread, one pound and a half of beef, and one pound of potatoes or turnips, and pudding: Wednesday, one pound of bread, two ounces of butter, or, in lieu thereof, six ounces of molasses, four ounces of cheese, and half a pint of rice: Thursday, one pound of bread, one pound of pork, and half a pint of peas or beans:

1794.

Friday, one pound of bread, one pound of salt fish, two ounces of butter or one gill of oil, and one pound of potatoes : Saturday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese. And there shall also be allowed, one-half pint of distilled spirits per day, or, in lieu thereof, one quart of beer per day, to each ration.

SEC. 9. *Provided always, and be it further enacted*, That if a peace shall take place between the United States and the Regency of Algiers, that no farther proceeding be had under this act.

When proceedings under this act shall cease.

APPROVED, March 27, 1794.

AN ACT to authorize the President of the United States, during the recess of the present Congress, to cause to be purchased or built, a number of vessels, to be equipped as galleys, or otherwise, in the service of the United States.

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized, during the recess of the present Congress, if the same shall appear to him to be necessary for the protection of the United States, to cause a number of vessels, not exceeding ten, to be built or purchased, and to be fitted out, manned, armed, and equipped, as galleys, or otherwise, in the service of the United States; the officers and men to be on the same pay, and to receive the same subsistence as officers of the same rank and men are entitled to in the navy of the United States.

The President authorized to cause not exceeding ten vessels to be built or purchased.

To be equipped as galleys.

Pay and subsistence as in the navy.

SEC. 2. *And be it further enacted*, That the said officers shall be appointed and commissioned by the President of the United States, and the said galleys or vessels be stationed in such parts of the United States as he may direct.

Officers to be appointed by the President, galleys to be stationed.

SEC. 3. *And be it further enacted*, That there be appropriated, for the purpose aforesaid, the sum of eighty thousand dollars, to be paid out of the proceeds of any revenue of the United States, which now are, or hereafter, during the present session, shall be, *provided*, not being otherwise appropriated. And that the President of the United States be authorized to take on loan, of the Bank of the United States, or of any other body politic or corporate, person or persons, the said sum of eighty thousand dollars, to be reimbursed, principal and interest, out of the said proceeds appropriated as aforesaid, according to such contract or contracts, which shall be made concerning the same.

\$80,000 appropriated for the purposes of this act.

The President may take the money on loan.

APPROVED, June 5, 1794.

AN ACT supplementary to an act, entitled "An act to provide a naval armament."

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That the President of the United States be authorized to continue the construction and equip-

President authorized to continue construction and

1796. ment (with all convenient expedition) of two frigates of forty-
equipment of four, and one of thirty-six guns; any thing in the act, entitled
three frigates. "An act to provide a naval armament," to the contrary not-
withstanding.

\$688,888 82 ap- SEC. 2. *And be it further enacted*, That so much of the sum
propriated there- of six hundred and eighty-eight thousand eight hundred and
for. eighty-eight dollars and eighty-two cents, which, by the act of
June the ninth, one thousand seven hundred and ninety-four,
was appropriated (to defray the expenses to be incurred pursu-
ant to the act to provide a naval armament) as remains unex-
\$80,000. pended, as well as the sum of eighty thousand dollars which
was appropriated for a provisional equipment of galleys, by the
before recited act, be appropriated for the said purposes.

SEC. 3. *And be it further enacted*, That the President of the
United States be, and he is hereby authorized, to cause to be
sold, such part of the perishable materials as may not be want-
ed for completing the three frigates, and to cause the surplus of
the other materials to be safely kept for the future use of the
United States.

APPROVED, April 20, 1796.

AN ACT providing a naval armament.

[Obsolete.]

President may SEC. 1. *Be it enacted, &c.*, That the President of the United
man and employ States be, and he is hereby empowered, should he deem it ex-
three frigates; pedient, to cause the frigates United States, Constitution and
Constellation, to be manned and employed.

their commis- SEC. 2. *And be it further enacted*, That there shall be em-
sioned officers. ployed on board each of the ships of forty-four guns, one cap-
tain, four lieutenants, two lieutenants of marines, one chaplain,
one surgeon, and two surgeon's mates; and in the ship of thirty-
six guns, one captain, three lieutenants, one lieutenant of ma-
rines, one surgeon, and one surgeon's mate.

Warrant officers, SEC. 3. *And be it further enacted*, That there shall be em-
to be appointed ployed, in each of the said ships, the following warrant officers,
by the President. who shall be appointed by the President of the United States,
to wit: one sailing-master, one purser, one boatswain, one gun-
ner, one sail-maker, one carpenter, and eight midshipmen; and
the following petty officers, who shall be appointed by the cap-
tains of the ships respectively, in which they are to be employed,
viz: two master's mates, one captain's clerk, two boatswain's
mates, one cockswain, one sailmaker's mate, two gunner's mates,
one yeoman of the gun-room, nine quarter gunners, (and for the
two larger ships two additional quarter gunners) two carpenter's
mates, one armorer, one steward, one cooper, one master-at-
arms, and one cook.

Petty officers to SEC. 4. *And be it further enacted*, That the crews of each
be appointed by of the ships of forty-four guns shall consist of one hundred and
the captains. fifty seamen, one hundred and three midshipmen and ordinary

Crews.

seamen, three sergeants, three corporals, one drum, one fife, and fifty marines; and that the crew of the ship of thirty-six guns shall consist of one hundred and thirty able seamen and midshipmen; ninety ordinary seamen, two sergeants, two corporals, one drum, one fife, and forty marines, over and above the officers herein before mentioned.

SEC. 5. *And be it further enacted*, That the pay and subsistence of the respective commissioned and warrant officers be as follows: A captain, seventy-five dollars per month, and six rations per day; a lieutenant, forty dollars per month, and three rations per day; a lieutenant of marines, thirty dollars per month, and two rations per day; a chaplain, forty dollars per month, and two rations per day; a sailing master, forty dollars per month, and two rations per day; a surgeon, fifty dollars per month, and two rations per day; a surgeon's mate, thirty dollars per month, and two rations per day; a purser, forty dollars per month, and two rations per day; a boatswain, twenty dollars per month, and two rations per day; a gunner, twenty dollars per month, and two rations per day; a sailmaker, twenty dollars per month, and two rations per day; a carpenter, twenty dollars per month, and two rations per day.

SEC. 6. *And be it further enacted*, That the pay to be allowed to the petty officers, midshipmen, 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, shall not exceed fifteen thousand dollars per month, and that each of the said persons shall be entitled to one ration per day.

SEC. 7. *And be it further enacted*, That the ration shall consist of as follows: Sunday, one pound of bread, one pound and a half of beef, and half a pint of rice: Monday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese: Tuesday, one pound of bread, one pound and a half of beef, and one pound of potatoes, or turnips and pudding: Wednesday, one pound of bread, two ounces of butter, or in lieu thereof, six ounces of molasses, four ounces of cheese, and half a pint of rice: Thursday, one pound of bread, one pound of pork, and half a pint of peas or beans: Friday, one pound of bread, one pound of salt fish, two ounces of butter, or one gill of oil, and one pound of potatoes: Saturday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese; and there shall also be allowed one half pint of distilled spirits per day, or in lieu thereof, one quart of beer per day, to each ration.

SEC. 8. *And be it further enacted*, That the officers, non-commissioned officers, seamen, and marines, belonging to the navy of the United States, shall be governed by the rules* for the regulation of the navy heretofore established by the resolution of Congress of the twenty-eighth of November, one thousand seven hundred and seventy-five, as far as the same may

* These rules are similar to those adopted by act, approved April 23, 1800.

1797. be applicable to the Constitution and laws of the United States, or by such rules and articles as may hereafter be established.

The President may make the appointments alone in recess of the Senate.

SEC. 9. *And be it further enacted*, That the appointment of the officers to the frigates may be made by the President alone in the recess of the Senate; and their commissions, if so appointed, shall continue in force till the advice and consent of the Senate can be had thereupon at their next meeting which may happen thereafter.

Term of service.

SEC. 10. *And be it further enacted*, That the seamen and marines shall not be engaged to serve on board the frigates for a period exceeding one year; but the President may discharge the same sooner, if in his judgment their services may be dispensed with.

Provision in case of wounds.

SEC. 11. *And be it further enacted*, That if any officer, non-commissioned officer, marine, or seaman, belonging to the navy of the United States, shall be wounded or disabled, while in the line of his duty in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations as shall be directed by the President of the United States. *Provided always*, That the rate of compensation to be allowed for such wounds or disabilities to a commissioned or warrant officer shall never exceed, for the highest disability, half the monthly pay of such officer at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers, marines, and seamen, shall never exceed five dollars per month: *And provided, also*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

Limitation of the compensation in case of wounds.

President may increase strength of the cutters.

SEC. 12. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, if circumstances should hereafter arise, which in his opinion may render it expedient, to increase the strength of the several revenue cutters, so that the number of men employed do not exceed thirty marines and seamen to each cutter; and cause the said revenue cutters to be employed to defend the sea-coast, and to repel any hostility to their vessels and commerce within their jurisdiction, having due regard to the duty of the said cutters, in the protection of the revenue.

Act making compensation to their officers and men, continued.

SEC. 13. *And be it further enacted*, That the compensations established by the first section of the act passed on the sixth day of May, one thousand seven hundred and ninety-six, entitled "An act making further provision relative to the revenue cutters," be, and the same is hereby, continued and confirmed, on the terms and conditions of the said act, to the mariners and marines who are, or may be, employed as aforesaid.

Limitation of this act.

SEC. 14. *And be it further enacted*, That this act shall continue in force for the term of one year, and from thence to the end of the then next session of Congress, and no longer.

APPROVED, July 1, 1797.

AN ACT to provide an additional armament for the further protection of the trade of the United States; and for other purposes.

1798.

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That the President of the United States shall be, and he is hereby, authorized and empowered to cause to be built, purchased, or hired, a number of vessels, not exceeding twelve, nor carrying more than twenty-two guns each, to be armed, fitted out, and manned under his direction.

President authorized to cause a number of armed vessels, not exceeding twelve, to be procured and fitted out.

SEC. 2. *And be it further enacted*, That the number and grade of the officers to be appointed for the service of the said vessels shall be fixed by the President of the United States, as well as the number of men, of which the respective crews shall be composed, who, as well officers as seamen and marines, shall receive the same pay and subsistence, be entitled to the same advantages and compensations, be governed by the same rules and regulations, and be engaged for the same time and on the same conditions, as by an act of the United States, passed the first of July, one thousand seven hundred and ninety-seven, entitled "An act providing a naval armament," is ascertained and established, as fully as if the particular provisions of that act, having reference thereto, were herein inserted at large. *Provided always, and be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause the term of enlistment of the seamen and marines, to be employed in any vessel of the United States, to be extended beyond one year, if the vessel should then be at sea, and until ten days after such vessel shall arrive in some convenient port of the United States thereafter; any thing contained in this act, or in the act intitled "An act providing a naval armament," to the contrary notwithstanding.

Number and grade of officers, pay, subsistence, term of service, &c.

SEC. 3. *And be it further enacted*, That the officers of the aforesaid vessels may, during the recess of the Senate, be appointed and commissioned by the President alone.

During the recess of the Senate the President may appoint officers.

SEC. 4. *And be it further enacted*, That the sum of nine hundred and fifty thousand dollars be, and are hereby, appropriated, out of any moneys in the Treasury of the United States beyond the appropriations that may heretofore have been charged thereon, for the purpose of carrying the objects of this act into execution.

\$950,000 appropriated.

APPROVED, April 27, 1798.

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

Secretary of the Navy—his duty.

1798. 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.

He may appoint clerks.

SEC. 2. *And be it further enacted,* That a principal clerk, and such other clerks as he shall think necessary, shall be appointed by the Secretary of the Navy, who shall be employed in such manner as he shall deem most expedient. In case of vacancy in the office of the Secretary, by removal or otherwise, it shall be the duty of the principal clerk to take the charge and custody of all the books, records, and documents of the said office.

He may take possession of the books, &c., in the war office, which relate to his department.

SEC. 3. *And be it further enacted,* That the Secretary of the Navy be, and he is hereby, authorized and empowered, immediately after he shall be appointed, and shall enter upon the duties of his office, to take possession of all the records, books, and documents, and all other matters and things appertaining to this department, which are now deposited in the office of the Secretary of War.

Salary of the Secretary and his clerks.

SEC. 4. *And be it further enacted,* That there shall be allowed to the Secretary of the Navy an annual salary of three thousand dollars,* payable quarter-yearly at the Treasury of the United States; and the respective clerks in the office of the said department shall receive the same compensation, and be subject to the same regulations, as are provided by an act, supplemental to the act establishing the Treasury Department, and for a further compensation to certain officers in the offices of the other executive departments.

Part of the act establishing the War Department repealed.

SEC. 5. *And be it further enacted,* That so much of an act, entitled "An act to establish an executive department, to be denominated the department of war," as vests any of the powers contemplated by the provisions of this act in the Secretary for the Department of War, shall be repealed, from and after the period when the Secretary of the Navy shall enter on the duties of his office.

APPROVED, April 30, 1798.

AN ACT to authorize the President of the United States to cause to be purchased, or built, a number of small vessels, to be equipped as galleys, or otherwise.

[Obsolete.]

President may provide ten galleys.

SEC. 1. *Be it enacted, &c.,* That the President of the United States be, and he is hereby, authorized, if the same shall appear to him necessary for the protection of the United States, to cause a number of small vessels, not exceeding ten, to be built, or purchased, and to be fitted out, manned, armed and equipped as galleys, or otherwise, in the service of the United States, the officers and men to be on the same pay, and to re-

* Salary increased, by act of March 2, 1799, to \$4,500 per annum; and by act of February 20, 1819, to \$6,000, commencing from January 1, 1819.

ceive the same subsistence, as officers of the same rank and men are entitled to in the navy of the United States. 1798.

SEC. 2. *And be it further enacted*, That the said officers shall be appointed and commissioned by the President of the United States alone during the recess of the Senate; and the said gallies or vessels shall be stationed in such parts of the United States as he may direct.

Officers shall be appointed by the President in the recess. Employment of the gallies.

SEC. 3. *And be it further enacted*, That there be appropriated, for the purpose aforesaid, the sum of eighty thousand dollars, out of any moneys in the Treasury not otherwise appropriated. \$80,000 appropriated.

APPROVED, May 4, 1798.

AN ACT to amend the act, intituled "An act providing a naval armament," and the act intituled "An act to authorize the President of the United States to cause to be purchased or built, a number of small vessels, to be equipped as gallies or otherwise."

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That the President of the United States shall be, and he is hereby, authorized, when he shall think fit, to increase the strength of any revenue-cutter, for the purposes of defence, against hostilities near the sea-coast, to employ on board the same, at his discretion, not exceeding seventy marines and seamen; any thing in the act, intituled "An act providing a naval armament," to the contrary hereof notwithstanding.

President may increase the strength of revenue cutters.

SEC. 2. *And be it further enacted, &c.*, That the President of the United States shall be, and he is hereby, authorized to fix the degree of rank, and the rate of pay and subsistence, not exceeding what is allowed upon the naval establishment, which shall be granted and allowed to the officers who shall be duly commissioned in the service of the United States on board of any small vessel or galley, which shall be fitted out under his orders, pursuant to the act, intituled "An act to authorize the President of the United States to cause to be purchased, or built, a number of small vessels, to be equipped as gallies, or otherwise;" any thing therein to the contrary hereof notwithstanding.

President may fix the rank, pay, and subsistence of the officers of small vessels and gallies.

APPROVED, June 22, 1798.

AN ACT to extend the privilege of franking letters and packets to the Secretary of the Navy.

Be it enacted, &c., That all letters and packets, to or from the Secretary of the Navy, shall be received and conveyed by post, free of postage, under the like restrictions and limitations as are provided respecting letters and packets to or from the heads of

1798. the other departments of the Government, by the nineteenth section of the act, entitled "An act to establish the post office and post roads within the United States."

APPROVED, June 22, 1798.

AN ACT in addition to the act more effectually to protect the commerce and coasts of the United States.

[Obsolete.]

Captured armed vessels and goods may be condemned in the district courts.

SEC. 1. *Be it enacted, &c.*, That all such armed vessels as may be seized, taken and brought into any port of the United States, in pursuance of the act, entitled "An act more effectually to protect the commerce and coasts of the United States," with the apparel, guns and appurtenances, of such vessels, and the goods and effects which shall be found on board the same, shall be liable to forfeiture and condemnation, and may be libelled and proceeded against in the district courts of the United States, for the district into which the same may be brought.

Forfeiture not to extend to captured property of citizens or residents in the United States.

Provided, that such forfeiture shall not extend to any goods or effects, the property of any citizen or person resident within the United States, and which shall have been before taken by the crew of such captured vessel.

Recaptured property of citizens and residents to be restored, paying salvage.

SEC. 2. *And be it further enacted*, That whenever any vessel, the property of, or employed by, any citizen of the United States, or person resident therein, or any goods or effects belonging to any such citizen or resident, shall be re-captured by any public armed vessel of the United States, the same shall be restored to the former owner or owners, upon due proof, he or they paying and allowing, as and for salvage to the recaptors, one-eighth part of the value of such vessel, goods, and effects, free of all deduction and expenses.

Distribution of prizes.

SEC. 3. *And be it further enacted*, That whenever any armed vessel, captured and condemned as aforesaid, shall have been of superior or equal force to the public armed vessel of the United States by which such capture shall have been made, the forfeiture shall be and accrue wholly to the captors: and in other cases, one-half thereof shall be to the use of the United States, and the residue to the captors. And all salvage which shall be allowed and recovered upon any vessel, goods or effects re-captured, and to be restored, as aforesaid, shall belong wholly to the officers and crew of the public armed vessel of the United States by which such re-capture shall be made: and the court before whom any condemnation shall be had, as aforesaid, shall and may order the sale of the vessel, goods and effects condemned, to be made at public auction, upon due notice by the marshal of the district in which the same shall be: and all expenses of condemnation and sale being deducted from the proceeds, the part thereof which shall accrue to the United States shall be paid into the public treasury, and the residue, and all allowances of salvage as aforesaid, shall be dis-

Salvage to belong wholly to officers and crew.

Court condemning may order a sale, &c.

Proceeds to be paid into the public treasury.

tributed to and among the officers and crews concerned therein, in the proportions which the President of the United States shall direct.

1798.

SEC. 4. *And be it further enacted*, That it shall be lawful for the President of the United States to cause the officers and crews of the vessels so captured, and hostile persons found on board any vessel which shall be re-captured, as aforesaid, to be confined in any place of safety within the United States, in such manner as he may think the public interest may require; and all marshals and other officers of the United States are hereby required to execute such orders as the President may issue for the said purpose.

Officers & crews of captured vessels, &c., to be confined.

Marshals to execute orders of the President.

APPROVED, June 28, 1798.

AN ACT supplementary to the act, intituled "An act to provide an additional armament for the further protection of the trade of the United States; and for other purposes."

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That the President of the United States shall be, and he is hereby, authorized to accept, in behalf of the United States, of the proposals of any persons who shall offer and undertake to complete, provide and deliver, to the use, and upon the credit of the United States, on terms in his opinion advantageous or convenient, any vessel or vessels, now building, or to be built within the United States, of a model and size which he shall approve, and armed and equipped, or suitable to be armed for the public service: and upon the delivery of the vessel or vessels, according to such proposals, or to the acceptance of the President of the United States, he may cause proper certificates, or other evidence of the debt or obligation of the United States incurred thereby, to be made and given at the Treasury Department, and which shall be there registered, to the use and benefit of the persons concerned: *provided*, That not more than twelve vessels, in addition to those already authorized, shall and may be procured, by virtue hereof: *and provided*, That not more than six per cent. per annum shall be allowed for any credit which shall be given under this act. And all certificates of debt shall be redeemable at the will of Congress.

The President may accept vessels offered on the credit of the U. States — whereupon he may cause evidence of the debt or obligation to be given therefor.

Limitation to 12 vessels.

No more than 6 per cent. to be allowed on credits.

SEC. 2. *And be it further enacted*, That the vessels authorized by the act, intituled "An act to provide an additional armament for the further protection of the trade of the United States, and for other purposes," and those which shall be authorized by this act, shall be procured and accepted according to the following rates, as nearly as may be; that is to say: six of them not exceeding eighteen guns each, and twelve of them not less than twenty, or exceeding twenty-four guns each, and six not less than thirty-two guns each; and the guns for each vessel to be of such calibre and weight of metal as the Presi-

Rates of the ships of war to be procured or accepted.

1798. dent of the United States shall approve; any thing in the said former act to the contrary hereof notwithstanding.

The President may accept of vessels given to the use of the United States.

SEC. 3. *And be it further enacted*, That the President of the United States may, at his discretion, accept of any vessel armed and equipped, or suitable to be armed, of a model, size and force proper for the public service, which any State, body politic or corporate, citizen or citizens of the United States, shall voluntarily offer and give, for the use of the United States, to increase the naval armament.

The President may regulate the rank, pay, &c., of officers, and number of men to be employed, &c.

SEC. 4. *And be it further enacted*, That the President of the United States shall be, and he is hereby authorized to determine and direct, according to the rate of each vessel which shall be furnished or accepted in pursuance of this act, the rank, pay, and subsistence of the commissioned and warrant officers, who shall be appointed thereto; and the number of men to be engaged, and the pay to be allowed them, not exceeding the proportionable grades and allowances which are or shall be authorized by law for the navy of the United States. And all officers of the said navy, according to their respective ranks, shall be appointed in the manner prescribed by the act, intituled, "An act to provide a naval armament."

The President may vary the quotas of seamen, landsmen, &c.

SEC. 5. *And be it further enacted*, That the President of the United States may, at his discretion, increase or vary the quotas of seamen, landsmen and marines, to be employed on board the frigates, and may permit a proportion of boys for them, and the other vessels of the navy of the United States, according to the exigencies of the public service.

APPROVED, June 30, 1798.

AN ACT for the establishing and organizing a Marine Corps.

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That in addition to the present military establishment, there shall be raised and organized a corps of marines, which shall consist of one major, four captains, sixteen first lieutenants, twelve second lieutenants, forty-eight sergeants, forty-eight corporals, thirty-two drums and fifes, and seven hundred and twenty privates, including the marines who have been enlisted, or are authorized to be raised for the naval armament; and the said corps may be formed into as many companies or detachments as the President of the United States shall direct, with a proper distribution of the commissioned and non-commissioned officers and musicians to each company or detachment.

A corps of marines to be raised.

Formation of it.

Pay and subsistence.

SEC. 2. *And be it further enacted*, That the pay and subsistence of the said officers, privates, and musicians, shall be as follows, to wit: To a major, fifty dollars per month, and four rations per day; to a captain, forty dollars per month, and three rations per day; to a first lieutenant, thirty dollars per month, and three rations per day; to a second lieutenant, twenty-five

dollars per month, and two rations per day; and to the non-commissioned officers, privates and musicians, conformably to the act, entitled "An act providing a naval armament," as shall be fixed by the President of the United States: And the President of the United States shall be, and is hereby, authorized to continue the enlistment of marines, until the said corps shall be complete; and, of himself, to appoint the commissioned officers, whenever, in the recess of the Senate, an appointment shall be necessary. And the enlistments, which shall be made by virtue hereof, may be for the term of three years, subject to be discharged by the President of the United States, or by the ceasing or repeal of the laws providing for the naval armament. 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.

President may commission officers in the recess.

Enlistments for three years, &c.

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

SEC. 3. *And be it further enacted*, That the detachments of the corps of marines, hereby authorized, shall be made in lieu of the respective quotas of marines, which have been established or authorized for the frigates, and other armed vessels and galleys, which shall be employed in the service of the United States: 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; any thing in the act "providing a naval armament" to the contrary hereof notwithstanding.

Detachment of the corps to be in lieu of the quotas established for the frigates, &c.

SEC. 4. *And be it further enacted*, That the officers, non-commissioned officers, privates and musicians aforesaid, shall take the same oath, and shall be governed by the same rules and articles of war, as are prescribed for the military establishment of the United States, and by the rules for the regulation of the navy heretofore, or which shall be established by law, according to the nature of the service in which they shall be employed, and shall be entitled to the same allowance, in case of wounds or disabilities, according to their respective ranks, as are granted by the act "to ascertain and fix the military establishment of the United States."

They shall take an oath; and how they shall be governed.

Allowance in case of wounds, &c.

SEC. 5. *And be it further enacted*, That the non-commissioned officers, musicians, seamen and marines, who are or shall be enlisted into the service of the United States; and the non-commissioned officers and musicians, who are or shall be enlisted into the army of the United States, shall be, and they are hereby exempted, during their term of service, from all personal arrests for any debt or contract.

Exemption from arrest for debts and contracts.

1798.

What duty they shall be subject to do.

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.

APPROVED, July 11, 1798.

AN ACT to make a further appropriation for the additional naval armament.

[Obsolete.]

\$600,000 appropriated for three ships of not less than thirty-two guns each.

SEC. 1. *Be it enacted, &c.*, That the sum of six hundred thousand dollars shall be, and hereby is, appropriated, to enable the President of the United States to cause to be built, and equipped, three ships or vessels, to be of a force not less than thirty-two guns each, and of the dimensions and model which he shall deem most advantageous for the public service, as part of the additional naval armament authorized by law.

Disposal of the materials for ships now on hand.

SEC. 2. *And be it further enacted*, That the timber and other materials belonging to the United States, proper for building and equipping the ships or vessels aforesaid, remaining in their several dock-yards, and elsewhere, may be employed under the direction of the President of the United States, in effecting the purposes of this act; or may be otherwise disposed of as he shall think best. And the sum hereby appropriated shall be paid out of any unappropriated money in the treasury.

Appropriation how to be paid.

APPROVED, July 16, 1798.

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

[Obsolete.]

Accountant of the navy established.

His duty.

SEC. 1. *Be it enacted, &c.*, That there shall be, in the department of the navy, an officer to be denominated accountant of the navy, who shall be charged with the settlement of all accounts for moneys advanced, and stores issued or distributed by or under the direction of the secretary of the navy, and who shall report from time to time all such settlements as shall have been made by him for money advanced or issued, for the inspection and revision of the accounting officers of the Treasury. And the compensation of the said accountant shall be a yearly salary of one thousand six hundred dollars.* And all letters and packages to and from said accountant, by mail, shall be free of postage.

Compensation. Letters free.

The treasurer to disburse moneys for the Navy Department, on warrants, &c.

SEC. 2. *And be it further enacted*, That the Treasurer of the United States shall disburse all such money as shall have been previously ordered for the use of the department of the navy, by warrants from the Treasury, which disbursements

* Increased to \$2,000, by act of March 2, 1799.

shall be made pursuant to warrants from the Secretary of the Navy, countersigned by the accountant.

[This section repealed May 7, 1822, and all warrants from and after June 30, 1822, to be drawn by the Secretary of the Treasury, on the requisitions of the Secretaries of War and the Navy.]

SEC. 3. *And be it further enacted*, That all purchases, and contracts, for supplies or services for the military and naval service of the United States, shall be made by or under the direction of the chief officers of the departments of war and the navy respectively, and all agents or contractors for supplies or services as aforesaid, shall render their accounts for settlement to the accountant of the proper department for which such supplies or services are required; subject nevertheless to the inspection and revision of the officers of the Treasury in manner before prescribed.

Purchases and contracts to be made by the War and Navy Departments, and accounts to be settled with the accountants thereof.

SEC. 4. *And be it further enacted*, That it shall be the duty of the purveyor of the public supplies to execute all such orders as he may from time to time receive from the Secretary of War or Secretary of the Navy, relative to the procuring and providing of all kinds of stores and supplies; and shall render his accounts relative thereto to the accountants of the proper departments, which accounts shall be subject to the inspection and revision of the officers of the Treasury as aforesaid.

Purveyor of public supplies to execute orders from the Secretaries of War and the Navy.

SEC. 5. *And be it further enacted*, That the provisions of the act passed on the eighth day of May, one thousand seven hundred and ninety-two, intituled "An act making alterations in the Treasury and War departments," and the act passed on the twenty-third day of February, one thousand seven hundred and ninety-five, intituled "An act to establish the office of Purveyor of public supplies," so far as the same are repugnant to the provisions of this act, be, and the same are hereby, repealed.

Provisions of former acts repealed.

SEC. 6. *And be it further enacted*, 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.

Contracts relative to money, &c., to be lodged in the Comptroller's office.

APPROVED, July 16, 1798.

AN ACT fixing the pay of the captains and commanders of ships and vessels of war of the United States.

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That all the vessels in the service of the United States, mounting twenty guns and upwards, be commanded by captains; those not exceeding eighteen guns (except galleys, which are to be commanded as heretofore provided by law,) by masters or lieutenants, according to the size of the vessel, to be regulated by the President of the United States.

By what officers vessels of the U. S. are to be commanded.

1799.

Pay and allowance to captains and commanders.

SEC. 2. *And be it further enacted,* That the pay of captains commanding ships of thirty-two guns and upwards, be one hundred dollars per month, and eight rations per day; of captains commanding ships of twenty and under thirty-two guns, seventy-five dollars per month, and six rations per day; of a master commandant, sixty dollars per month, and five rations per day; and of lieutenants, who may command the smaller vessels, fifty dollars per month, and four rations per day.

Allowance to commanders of squadrons & commander of the navy.

SEC. 3. *And be it further enacted,* That whenever any officer, as aforesaid, shall be employed in the command of a squadron, on separate service, the allowance of rations to such commanding officer shall be doubled during the continuance of such command, and no longer, except in the case of the commanding officer of the navy, whose allowance, while in service, shall always be at the rate of sixteen rations per day.

APPROVED, February 25, 1799.

AN ACT for the augmentation of the navy.

[Obsolete.]

Six ships of not less than 74 guns, and six sloops of war of 18 guns, to be procured, &c.

SEC. 1. *Be it enacted, &c.,* That, under the orders of the President of the United States, and in addition to the naval armament already authorized by law, there shall be built within the United States, six ships of war, of a size to carry, and which shall be armed with, not less than seventy-four guns each; and there shall be built or purchased within the United States, six sloops of war, of a size to carry, and which shall be armed with, eighteen guns each, or not exceeding that force;—all which ships and vessels shall be procured, manned and employed, as soon as may be, for the service of the United States: and in part of the necessary expenditures to be incurred herein, a sum not exceeding one million of dollars shall be, and is hereby, appropriated, and shall be paid out of any moneys which shall be in the treasury of the United States not otherwise appropriated.

\$1,000,000 appropriated.

The President may augment the force of the other vessels.

SEC. 2. *And be it further enacted,* That the President of the United States shall be, and he is hereby, authorized to augment, at his discretion, the force of any ship or vessel, now in the service, or building for the service, of the United States, by allowing an additional number of guns and men therein, beyond the established rate, and according to the respective size and capacity of such ship or vessel: and a sum not exceeding thirty-five thousand dollars shall be, and is hereby, appropriated to defray the expense of such augmentation, and shall be paid out of any moneys which shall be in the treasury of the United States not otherwise appropriated.

\$35,000 appropriated.

Revenue cutters whose force has been increased may be placed on the naval establishment.

SEC. 3. *And be it further enacted,* That the President of the United States shall be, and is hereby, authorized to place on the naval establishment, and employ accordingly, all or any of the vessels, which, as revenue cutters, have been increased in force, and employed in the defence of the sea-coast, pursuant to the

act, intituled "An act providing a naval armament;" and thereupon the officers and crews of such vessels may be allowed, at the discretion of the President of the United States, the pay, subsistence, advantages and compensations, proportionably to the rates of such vessels, and shall be governed by the rules and discipline which are, or which shall be, established for the navy of the United States. 1799.

APPROVED, February 25, 1799.

AN ACT authorizing the establishment of docks.

[Obsolete.]

Be it enacted, &c., That two docks, for the convenience of repairing the public ships and vessels, be erected in suitable places, under the direction of the President of the United States, and that the sum of fifty thousand dollars be appropriated towards effecting this object, to be paid out of any moneys in the treasury of the United States not otherwise appropriated. Two docks to be erected.
\$50,000 appropriated.

APPROVED, February 25, 1799.

AN ACT authorizing the purchase of timber for naval purposes.

[Obsolete.]

Be it enacted, &c., That the President of the United States shall be, and he is hereby, authorized to direct a sum not exceeding two hundred thousand dollars, to be paid out of any moneys in the treasury not otherwise appropriated, to be laid out in the purchase of growing or other timber, or of lands on which timber is growing, suitable for the navy, and to cause the proper measures to be taken to have the same preserved for the future uses of the navy. \$200,000 appropriated to purchase timber or lands.

APPROVED, February 25, 1799.

AN ACT authorizing the augmentation of the Marine Corps.

[Obsolete.]

Be it enacted, &c., That the President of the United States shall be, and he is hereby, authorized to cause the marine corps in the service of the United States to be augmented, by the appointment and enlistment of not exceeding two first lieutenants, six second lieutenants, eight surgeons, [sergeants] one hundred and seventy privates, and eighteen drums and fifes, who shall be respectively allowed the same pay, bounty, clothing, and rations, and shall be employed under the same rules and regulations to which the said marine corps are or shall be entitled and subject. Augmentation of the marine corps.

APPROVED, March 2, 1799.

AN ACT for the government of the navy of the United States.

[Repealed by act, approved April 23, 1800.]

SEC. 1. *Be it enacted, &c.*, That the following rules and regulations be adopted and put in force, for the government of the navy of the United States.

1799.

Article 1. The commanders of all ships and vessels, belonging to the United States, are strictly required to show in themselves a good example of honor and virtue to their officers and men, and to be very vigilant in inspecting the behavior of all such as are under them, and to discountenance and suppress all dissolute, immoral, and disorderly practices, and also such as are contrary to the rules of discipline and obedience, and to correct those who are guilty of the same, according to the usage of the sea service.

Divine service.

2. The commanders of the ships of the United States, having on board chaplains, are to take care that divine service be performed twice a day, and a sermon preached on Sundays, unless bad weather, or other extraordinary accidents, prevent.

Swearing and drunkenness to be punished.

3. Any person who shall be guilty of profane swearing, or of drunkenness, if a seaman or marine, shall be put in irons until sober, and then flogged if the captain shall think proper; but if an officer, he shall forfeit two days' pay, or incur such punishment as a court martial shall impose, and as the nature and degree of the offence shall deserve.

Commanders not to inflict a greater punishment than twelve lashes,—

4. No commander, for any offence, shall inflict any punishment upon a seaman or marine beyond twelve lashes upon his bare back with a cat of nine tails, and no other cat shall be made use of on board any ship of war, or other vessel belonging to the United States; if the fault shall deserve a greater punishment, he is to apply to the Secretary of the Navy, the commander-in-chief of the navy, or the commander of a squadron, in order to the trying of him by a court martial; and in the mean time he may put him under confinement.

Nor to discharge commission or warrant officers, &c.

5. The commander is never by his own authority to discharge a commission or warrant officer, nor to punish or strike him, but he may suspend or confine him, and shall report the case to the Secretary of the Navy, or commandant of a squadron, as soon as he arrives in port, if at sea, or if in port in ten days, in order that a court martial may decide on the offence.

Officer occasionally commanding not to order punishment.

6. The officer who commands by accident in the captain or commander's absence, (unless he be absent for a time by leave,) shall not order any correction but confinement, and upon the captain's return on board he shall then give an account of his reasons for so doing.

Articles of war to be hung up and read.

7. The captain is to cause the articles of war to be hung up in some public place of the ship, and read to the ship's company once a month.

Seamen to be entered on the ship's books.

8. Whenever a captain shall enter or enlist a seaman, he shall take care to enter on his books the time and terms of his entering, in order to his being justly paid.

Return of officers and men to be made, &c.

9. The captain shall, before he sails, make return to the Secretary of the Navy a complete list of all his officers and men, with the time and terms of their entering, and during his cruise or station shall keep a true account of the desertion or death of any of them, and of the entering of others, and after the expiration of the time for which they were entered, and before any of them

are paid off, he shall make return of a complete list of the same, including those who shall remain on board his ship.

10. The men shall, at their request, be furnished with slops that are necessary, by order of the captain, and the amount delivered to each man shall be regularly returned by the purser, so that the same be stopped out of his pay.

Men to be furnished with slops.

11. All officers, not having commissions or warrants, (or appointed commission or warrant officers for the time being,) are termed petty, or inferior, officers.

Who are petty officers.

12. Whenever any inferior officer, seaman, or other person, be turned over into the ship of a commander other than the one with whom he entered, he is not to be rated on the ship's books in a worse quality, or lower degree or station, than he served in the ship he was removed from; and for the guide of the captain, he is to demand from the commander of the ship from which such person or persons were turned over, a list, under his hand, of his or their names, and the quality in which he or they served.

Petty officers and seamen, turned over into another ship, not to be rated lower, etc.

13. Any officer, seaman or other person, entitled to wages or prize money, may have the same paid to his assignee; provided the assignment be attested by the captain and the purser; but the captain or commander of every vessel in the service of the United States is to discourage his crew from selling any part of their wages or prize money, and never to attest the letter of attorney until he is satisfied that the same is not granted in consideration of money given for the purchase of wages, or shares of prize money.

Wages and prize money may be paid to assignees.

14. When any officer or other person dies, the captain is forthwith to have his name entered on the books of the ship, in order to the wages being forthwith paid to his executors or administrators.

In case of death, the name to be entered on the books.

15. A convenient place shall be set apart for the sick or hurt men, to which they are to be removed, with their hammocks and bedding, when the surgeon shall advise the same to be necessary, and some of the crew shall be appointed to attend them, and keep the place clean; cradles and buckets with covers shall be made for their use, if necessary.

Treatm't of sick and hurt men.

16. All ships furnished with fishing tackle, being in such places where fish is to be had, the captain is to employ some of the company in fishing. The fish to be daily distributed to such persons as are sick, or upon recovery, provided the surgeon recommend it, and the surplus, by turns, amongst the messes of the officers and seamen, gratis, without any deduction of their allowance of provisions on that account.

Fishing.

17. It is left to the discretion of commanders of squadrons to shorten the allowance of provisions according to the exigence of the service, taking care that the men be punctually paid for the same; the like power is given to captains of ships acting singly, where it is deemed necessary; and if there should be a want of pork, the captain is to order three pounds of beef to be issued in lieu of two pounds of pork.

In case of exigence, allowance of provisions may be shortened.

1799. **18.** If any ships of the United States shall happen to come into port in want of provisions, the warrant of the commander of the squadron, or of a captain where there is no commander of a squadron present, shall be sufficient to procure the supply of the quantity wanted, from the agent or navy agent, at such port.
- Warrant for supply of provisions.**
- 19.** The captains are frequently to cause to be inspected the condition of the provision, and if the bread proves damp, to have it aired upon the quarter deck, and other convenient places, and in case of the pickle being leaked out of the flesh casks, he is to have new pickle made and put therein, after such casks are repaired.
- Provisions to be inspected.**
- 20.** The captain shall cause the purser to secure the clothes, bedding, and other things, of such persons as shall die or be killed, to be delivered to their executors or administrators.
- Clothes, etc., of deceased, to be secured.**
- 21.** All papers, charter-parties, bills of lading, passports, and other writings whatsoever, found on board any ship or ships which shall be taken, shall be carefully preserved, and the originals sent to the court of justice for maritime affairs, appointed, or to be appointed, for judging concerning such prize or prizes, and if any person or persons shall wilfully or negligently destroy or suffer to be destroyed any such paper or papers, he or they so offending shall forfeit his or their share of such prize or prizes, and suffer such other punishment as they shall be judged by a court martial to deserve; and if any person or persons shall embezzle or steal, or take away any cables, anchors, sails, or any of the ship's furniture, or any of the powder, arms, ammunition, or provisions of any ship belonging to the United States, or of any prize taken by a ship or ships aforesaid, or maltreat or steal the effects of any prisoner, he or they so offending shall suffer such punishment as a court martial shall order.
- Papers found on board of captured vessels to be preserved.**
- Persons destroying papers shall forfeit their prize money.**
- Penalty on stealing certain things**
- 22.** When in sight of any ship, ships, or other vessels of the enemy, or at such other times as may appear necessary to prepare for an engagement, the captain shall order all things in his ship in a proper posture for fight, and shall, in his own person, and according to his duty, heart on and encourage the inferior officers and men to fight courageously, and not to behave themselves faintly or cry for quarters, on pain of such punishment as the offence shall appear to deserve for his neglect.
- Preparation for fight.**
- 23.** Any captain, officer, or other person, who shall not exert himself, or who shall basely desert his duty or station in the ship, and run away while the enemy is in sight, or in time of action, or shall entice others to do so, shall suffer death, or such other punishment as a court martial shall inflict.
- Cowardice.**
- 24.** Any officer, seaman, mariner, or other person, who shall disobey the orders of his superior, or begin, excite, cause, or join in, any mutiny or sedition in the ship to which he belongs, or in any other ship or vessel in the service of the United States, on any pretence whatsoever, shall suffer death, or such other punishment as a court martial shall direct; and further, any person, in any ship or vessel belonging to the service aforesaid, who
- Mutiny and sedition.**

shall utter any words of sedition and mutiny, or endeavor to make any mutinous assembly on any pretence whatsoever, shall suffer such punishment as a court martial shall inflict.

25. None shall presume to quarrel with or strike his superior officer, on pain of such punishment as a court martial shall order to be inflicted.

Quarreling with, or striking, a superior officer.

26. If any person shall apprehend he has just cause of complaint, he shall quietly and decently make the same known to his superior officer, or to the captain, as the case may require, who shall take care that justice be done him.

To whom complaints shall be made known.

27. There shall be no quarreling or fighting between shipmates on board any ship belonging to the United States, nor shall there be used any reproachful or provoking speeches, tending to make quarrels and disturbances, on pain of imprisonment, or of such punishment as the captain or a court martial shall judge proper to inflict.

Quarreling and fighting, etc.

28. If any person shall sleep upon his watch, or negligently perform the duty which shall be enjoined him to do, he shall suffer such punishment as the captain or a court martial shall inflict.

Neglect of duty.

29. All murder shall be punished with death.

Murder.

30. All robbery and theft, not exceeding twenty dollars, shall be punished at the discretion of the captain, and above that sum as a court martial shall inflict.

Robbery & theft.

31. Any master of arms, or other person of whom the like duty may be required, refusing to receive such prisoner or prisoners, as shall be committed to his charge, or having received them shall suffer him or them to escape, or dismiss them without orders from his captain, the commander-in-chief of the navy, or the commander of a squadron, for so doing, shall suffer in his or their stead as a court martial shall order and direct.

Master of arms misbehaving.

32. The captains, officers, and others, shall use their utmost endeavors to detect, apprehend, and bring to punishment, all offenders, and shall at all times readily assist all officers and others appointed for that purpose, in the discharge of such duty, when it is required, on pain of being proceeded against and punished by a court martial at discretion.

Duty of detecting and apprehending offenders.

33. If any officer whatsoever, mariner, marine, soldier, or other person, belonging to any ship or vessel of war in the service of the United States, shall give, hold, or entertain, intelligence, to or with any enemy or rebel, without leave from the Government, commander-in-chief, or, in case of a single ship, from his captain, every such person so offending, and being thereof convicted by the sentence of a court martial, shall be punished with death.

Correspondence with enemies or rebels.

34. If any letter or message from an enemy, or a rebel, be conveyed to any officer, mariner, marine, or other person, belonging to any ship or vessel in the service of the United States, and the person as aforesaid shall not, within twelve hours, having opportunity so to do, acquaint his superior or commander-in-chief with it; or if any superior officer, being acquainted

Letters or messages from enemies or rebels to be made known.

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therewith, shall not in convenient time reveal the same to the commander-in-chief, commander of a squadron, or other proper officer, appointed to take cognizance of such offence, every such person so offending, and being convicted thereof by the sentence of a court martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and according to the sentence of a court martial.

Spies.

35. All spies, and all persons whatsoever who shall come or be found in the nature of spies, to bring or deliver any seducing letter or message from an enemy or rebel, or endeavor to corrupt any captain, officer, mariner, marine, or other person, in the fleet, to betray his trust, being convicted of any such offence by the sentence of a court martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and the court martial shall impose.

Supplying enemies or rebels.

36. No person in a fleet, or in a single ship or vessel, shall supply an enemy or rebel with stores, money, victuals, arms, ammunition, or any kind of stores, directly or indirectly, upon pain of death, or such other punishment as a court martial shall think fit to impose, and as the nature and degree of the crime shall deserve.

Running away to the enemy, etc., or yielding cowardly, etc.

37. Every person in or belonging to any ship or vessel in the service of the United States, who shall desert or run away with any vessel or boat, to the enemy or otherwise, or with any effects of the United States whatsoever, or yield up the same cowardly or treacherously, shall suffer death, or such other punishment as a court martial shall inflict.

Duty as to convoy.

38. The officers and seamen, etc., of all ships appointed for convoy and guard of merchantmen, shall diligently attend upon that charge without delay, according to their instructions, and whosoever shall be faulty therein, shall be punished as a court martial shall direct.

Penalty on receiving merchandise on board.

39. If any captain, commander, or other officer, of any ship or vessel in the service of the United States, shall receive or permit on board his vessel any goods or merchandise, other than for the sole use of his vessel, except gold, silver or jewels, and except the goods and merchandise of vessels which may be in distress or shipwrecked, or in imminent danger of being shipwrecked, or in order to preserve them for the proper owner, without legal orders from the naval department, every person so offending, being convicted thereof by the sentence of a court martial, shall be cashiered, and be forever afterwards rendered incapable to serve in any place or office in the navy service of the United States.

Waste and embezzlement of stores.

40. There shall be no wasteful expense of any powder, shot, ammunition, or other stores, in the vessels belonging to the United States, nor any embezzlement thereof, but the stores and provisions shall be carefully preserved, upon pain of such punishment, to be inflicted upon the offenders, abettors, buyers and receivers, as shall be by a court martial found just in that behalf.

41. Every person in the navy who shall unlawfully burn or set fire to any kind of public property, not then appertaining to an enemy, pirate, or rebel, being convicted of any such offence by the sentence of a court martial, shall suffer death. 1799.
Unlawfully setting fire to public property.
42. Care shall be taken in steering and conducting every ship belonging to the United States, so that through wilfulness, negligence, or other defaults, no ship be stranded or hazarded, upon pain that such as shall be found guilty therein be punished as the offence, by a court martial, shall be judged to deserve. Care to be used in navigating.
43. Every officer or other person in the navy, who shall knowingly make or sign a false muster, or procure the making or signing thereof, or shall aid or abet in the same, shall be cashiered, and rendered incapable of further employment in the navy service of the United States, and shall forfeit all the pay and subsistence money due him. Making a false muster.
44. Every person guilty of mutiny, desertion, or disobedience to his superior officer on shore, acting in the proper line of his duty, shall be tried by a court martial, and suffer the like punishment for every such offence, as if the same had been committed at sea, on board any ship or vessel of war in the service of the United States. Mutiny, desertion, and disobedience on shore.
45. If any person, belonging to any ship or vessel of war in the service of the United States, shall, when on shore, on duty or otherwise, plunder, abuse, or maltreat, any inhabitant, or injure his property in any way, such person shall be punished as a court martial shall direct. Offences on shore against the inhabitants.
46. All faults, disorders, and misdemeanors, which shall be committed on board any ship belonging to the United States, and which are not herein mentioned, shall be punished according to the laws and customs in such cases at sea. Punishment of misdemeanors not specified.
47. No court martial, to be held or appointed by virtue of this act, shall consist of more than thirteen, nor less than five persons, to be composed of such commanders of squadrons, captains, and sea lieutenants, as are then and there present, and as are next in seniority to the officer who presides; but no lieutenant shall sit on a court martial held on a captain, or a junior lieutenant on that of a senior. How a court martial shall be composed.
48. Every member of a court martial shall take the following oath: "I, A. B. do swear, that I will well and truly try and impartially determine the cause of the prisoner now to be tried, according to the rules of the navy of the United States—So help me God." Which oath shall be administered by the president to the other members, and the president himself shall be sworn by the officer next in rank; and as soon as the above oath shall have been administered, the president of the court is required to administer to the judge advocate, or person officiating as such, an oath in the following words: "I, A. B. do swear, that I will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court martial, unless thereto required by Oaths of the court martial,
Judge advocate.

1799. **and witnesses.** an act of Congress—So help me God.” And all the witnesses, before they be admitted to give evidence, shall take the following oath:—“ I, A. B. do swear, that the evidence I shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth—So help me God.”
- Sentences, court martial, in capital cases to be confirmed, etc.** 49. The sentence of a court martial for any capital offence shall not be put in execution until it be confirmed by the commander-in-chief of the fleet. And it shall be the duty of the president of every court martial, to transmit to the commander-in-chief of the fleet, and to the head of the Navy Department, every sentence which shall be given, with a summary of the evidence and proceedings thereon, as soon as may be.
- Commander in chief may remit sentence of death** 50. The commander-in-chief of the fleet, for the time being, shall have power to pardon and remit any sentence of death, in consequence of any of the aforementioned articles.
- Misbehavior of witnesses.** SEC. 2. *And be it further enacted,* That if any person in the navy service, being called upon to give evidence at any court martial, shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the court, it shall and may be lawful for such court martial to punish such offender by imprisonment, at the discretion of the court; such imprisonment, in no case, to continue longer than three months; and that all and every person and persons who shall commit any wilful perjury in any evidence or examination upon oath at such court martial, or who shall corruptly procure or suborn any person to commit such wilful perjury, shall and may be prosecuted in any of the courts of the United States by indictment or information. And all and every person, lawfully convicted upon any such indictment or information, shall be punished with such pains and penalties as are inflicted for the like offences by the laws therein provided.
- Perjury and subornation thereof.** SEC. 3. *And it is hereby further enacted, by the authority aforesaid,* 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 was not so wrecked, lost, or destroyed, until they shall be regularly discharged from the service of the United States, or removed into some other of its said ships, or until a court martial shall be held to enquire into such loss of the said ship or vessel; and if, upon enquiry, it shall appear by the sentence of the court martial, that all or any of the officers, seamen, marines, and others, of the said ship or vessel, did their utmost to preserve, get off, or recover, the said ship or vessel, and after the loss thereof did behave themselves obediently to their superior officers, according to the discipline of the navy, and the said articles and orders hereinbefore established, then all the pay and wages of the said officers and seamen, or such of them as shall have done their duty as aforesaid, shall continue and go on, and be paid to the time of their discharge or death; and
- Authority of the officers to continue after the vessel is lost.**
- In such case a court martial is to be held.**
- Wages to be continued.**

every such officer or seaman who, after the wreck or loss of his said ship or vessel, shall act contrary to the discipline of the navy, or the articles hereinbefore established, or any of them, shall be sentenced by the said court martial, and be punished, as if the ship to which he did belong was not so wrecked or destroyed.

Punishment for acting contrary to discipline.

SEC. 4. *And be it further enacted*, That all the pay and wages of such officers and seamen of any of the ships of the United States as are taken by the enemy, and upon enquiry at a court martial shall appear, by the sentence of the said court, to have done their utmost to defend the ship or ships, and since the taking thereof to have behaved themselves obediently to their superior officers, according to the discipline of the navy, and the said articles and orders hereinbefore established, shall continue and go on as aforesaid, until they be exchanged and discharged, or until they shall die, whichever may first happen : *provided always*, that persons flying from justice shall be tried and punished for so doing.

Prisoners' pay to go on.

SEC. 5. *And be it further enacted*, That all captured national ships or vessels of war shall be the property of the United States ; all other ships or vessels, being of superior force to the vessel making the capture, in men or in guns, shall be the sole property of the captors ; and all ships or vessels of inferior force shall be divided equally between the United States and the officers and men of the vessel making the capture.

To whom prizes shall belong.

SEC. 6. *And be it further enacted*, That the produce of prizes taken by the ships of the United States, and bounty for taking the ships of the enemy, be proportioned and distributed in the manner following, to wit :

Distribution of prize money and bounty.

1. To the captain actually on board at the time of taking any prize, being other than public or national vessel, or ship of war, three-twentieths of that proportion of the proceeds belonging to the captors.

2. If such captain or captains be under the immediate command of a commander-in-chief, or commander of a squadron, having a captain on board, such commander-in-chief, or commander of a squadron, to have one of the said twentieth parts, and the captain taking the prize, the other two-twentieth parts.

3. To the sea lieutenants and sailing-master, two twentieths.

4. To marine officers, the surgeon, purser, boatswain, gunner, carpenter, master's mate, and chaplain, two-twentieths.

5. To midshipmen, surgeon's mates, captain's clerk, clergyman or schoolmaster, boatswain's mates, gunner's mates, carpenter's mates, ship's steward, sailmaker, master-at-arms, armorer and cockswain, three-twentieths.

6. Gunner's yeoman, boatswain's yeoman, quarter-masters, quarter-gunners, cooper, sailmaker's mates, sergeant of marines, corporal of marines, drummer and fifer, and extra petty officers, three-twentieths.

7. To seamen, ordinary seamen, marines and boys, seven-twentieths.

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Distribution of
prize money and
bounty.

8. Any officer on board having more posts than one, is only entitled to the share belonging to his superior office, according to the regulations aforesaid.

Ships in sight, to
share equally.

9. Whenever one or more ships of the United States are in sight, at the time of any one or more other ships as aforesaid are taking a prize or prizes, or being engaged with an enemy, and they shall all be so in sight when the enemy shall strike or surrender, they shall share equally, according to the number of guns and men on board of each ship so in sight; but no privateer or armed ship, being in sight of a national ship of war at the taking of any prize, shall be entitled to any share in such prize or prizes.

Commanders to
transmit list of of-
ficers and men.

10. Commanders of ships of war taking any prize are to transmit, as soon as possible, to the naval department, a true list of the officers and men actually on board at the taking of such prize, inserting therein the quality of every person's rating; and the department aforesaid is to examine the said list by the ship's muster book to see their agreement, and is to grant certificates of the truth of such list transmitted, in order that the agents appointed by the captors make payment of the shares agreeably to this act.

When the com-
mander-in-chief
not to share.

11. In order to define the rights and privileges of commanders-in-chief, commanders of squadrons, and captains, in relation to captures, no commander-in-chief, or commander of a squadron, shall be entitled to receive any share of prizes taken by the ships of war of the United States that are not put under his immediate command, nor of such prizes as may have been taken previous to such ship's being placed under his command, and until they have acted under his immediate orders; nor shall a commander-in-chief, or commander of a squadron, returning home from any station where he had the command, have any share in prizes taken by ships left on such station after he has got out of the limits of his said command.

Captains acting
separately.

12. Captains, sailing especially under orders from the navy department, are clearly to be understood as acting separately from any superior officer.

Bounty.

13. The bounty given by the United States on any national ship of war taken from the enemy, and brought into port, shall be for every cannon mounted, carrying a ball of twenty-four pounds or upwards, two hundred dollars; for every cannon carrying a ball of eighteen pounds, one hundred and fifty dollars; for every cannon carrying a ball of twelve pounds, one hundred dollars; and for every cannon carrying a ball of nine pounds, seventy-five dollars; for every smaller cannon, fifty dollars; and for every officer and man taken on board, forty dollars; which sums are to be divided agreeably to the foregoing articles.

Rates of salvage.

SEC. 7. *And be it further enacted,* That, for the ships or goods belonging to the citizens of the United States, or to the citizens or subjects of any nation in amity with the United States, if re-taken from the enemy within twenty-four hours,

the owners are to allow one-eighth part of the whole value, for salvage; if after twenty-four hours and under forty-eight, one-fifth thereof; if above that and under ninety-six hours, one-third part thereof; and if above that, one-half; all of which is to be paid without any deduction whatsoever, agreeably to the articles hereinbefore mentioned. 1799.

SEC. 8. *And be it further enacted,* That every officer, seaman, or marine, disabled in the line of his duty, shall be entitled to receive for his own life, and the life of his wife, if a married man at the time of receiving the wound, one-half his monthly pay. Allowance of half pay to persons disabled in the service.

SEC. 9. *And be it further enacted,* That all the money accruing, or which has already accrued, from the sale of prizes, shall be and remain forever a fund for the payment of the half pay to the officers and seamen who may be entitled to receive the same; and if the said fund shall be insufficient for this 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 as Congress may hereafter direct by law, to the making of further provision for the comfort of the disabled officers, seamen, and marines, and for such as may not be disabled, who may merit by their bravery, or their long and faithful services, the gratitude of their country. Prize money belonging to the public to be a fund to discharge the half pay, etc.

SEC. 10. *And be it further enacted,* That the said fund shall be under the management and direction of the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, for the time being, who are hereby authorized to receive all such sums as the United States may be entitled to from the sale of prizes, and to invest the same, and the interest arising therefrom, in such of the six per cent. or other stock of the United States, as a majority of them from time to time shall determine to be the most advantageous; and it shall be the duty of the said commissioners to lay before Congress, every year, in the first week of their annual meeting, a minute and correct statement of their proceedings in relation to the management of said fund. Management of the fund.

SEC. 11. *And be it further enacted,* That no rules or regulations, made by any commander-in-chief, or captain, in the service of the United States, for the stationing, designating of duty, and government of the fleet, or any of the crews of any ship of war, shall be at variance with this act, but shall be strictly conformable thereto; and that every commander-in-chief and captain, in making private rules and regulations, and designating the duty of his officers, shall keep in view also the custom and usage of the sea-service most common to our nation. Private rules to conform with this act and the usages of the sea service.

APPROVED, March 2, 1799.

800. [An act, approved March 2, 1799, allows to the Secretary of the Navy a salary of \$4,500; and to the Accountant of the Navy Department a salary of \$2,000 per annum.]

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

SEC. 1. [Authorizes the President to direct the expenditure of moneys collected by virtue of an act, approved July 16, 1798, "for the relief of sick and disabled seamen."]

Secretary of the Navy to deduct 20 cents per month from the 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, seaman, 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 abovementioned act is appropriated.

Officers, seamen, and marines of the navy, entitled to the benefits of the act of July 16, 1798.

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 abovementioned, are provided for the relief of the sick and disabled seamen of the merchant vessels of the United States.

APPROVED, March 2, 1799.

AN ACT authorizing the President of the United States to fill certain vacancies in the army and navy.

[Obsolete.]

President authorized to make appointments to fill vacancies in the army and navy.

Be it enacted, &c., That the President of the United States shall be, and he is hereby, authorized to make appointments to fill any vacancies in the army and navy which may have happened during the present session of the Senate.

APPROVED, March 3, 1799.

AN ACT fixing the rank and pay of the commanding officer of the corps of marines.

[Obsolete.]

Rank and pay of commanding officer of the marine corps.

Be it enacted, &c., That a lieutenant-colonel commandant shall be appointed to command the corps of marines, and shall be entitled to the same pay and emoluments as a lieutenant-colonel in the army of the United States; any thing in the act for the establishing and organizing a marine corps to the contrary notwithstanding; and that the office of major of the said corps shall thereafter be abolished.

APPROVED, April 22, 1800.

AN ACT for the better government of the navy of the United States.

SEC. 1. *Be it enacted, &c.*, That, from and after the first day of June next, the following rules and regulations be adopted and put in force, for the government of the navy of the United States.

Art. 1. The commanders of all ships and vessels of war belonging to the navy are strictly enjoined and required to show in themselves a good example of virtue, honor, patriotism, and subordination, and be vigilant in inspecting the conduct of all such as are placed under their command; and to guard against, and suppress, all dissolute and immoral practices, and to correct all such as are guilty of them, according to the usage of the sea service.

Exemplary conduct incumbent on commanders.

Art. 2. The commanders of all ships and vessels in the navy, having chaplains on board, shall take care that divine service be performed in a solemn, orderly, and reverent manner twice a day, and a sermon preached on Sunday, unless bad weather, or other extraordinary accidents prevent it: and that they cause all, or as many of the ship's company as can be spared from duty, to attend at every performance of the worship of Almighty God.

Divine service & preaching.

Art. 3. Any officer, or other person, in the navy, who shall be guilty of oppression, cruelty, fraud, profane swearing, drunkenness, or any other scandalous conduct, tending to the destruction of good morals, shall, if an officer, be cashiered, or suffer such other punishment as a court martial shall adjudge: if a private, shall be put in irons, or flogged, at the discretion of the captain, not exceeding twelve lashes; but if the offence require severer punishment, he shall be tried by a court martial, and suffer such punishment as said court shall inflict.

Punishment of certain scandalous offences.

Art. 4. Every commander, or other officer, who shall, upon signal for battle, or on the probability of an engagement, neglect to clear his ship for action, or shall not use his utmost exertions to bring his ship to battle, or shall fail to encourage, in his own person, his inferior officers and men to fight courageously, such offender shall suffer death, or such other punishment as a court martial shall adjudge; or any officer neglecting, on sight of any vessel or vessels of an enemy, to clear his ship for action, shall suffer such punishment as a court martial shall adjudge; and if any person in the navy shall treacherously yield, or pusillanimously cry for quarters, he shall suffer death, on conviction thereof, by a general court martial.

Penalties on the breach of duty in respect of attack and battle.

Art. 5. Every officer, or private, who shall not properly observe the orders of his commanding officer, or shall not use his utmost exertions to carry them into execution, when ordered to prepare for, join in, or when actually engaged in, battle; or shall at such time basely desert his duty or station, either then, or while in sight of an enemy, or shall induce others to do so, every person so offending shall, on conviction thereof by a general court martial, suffer death or such other punishment as the said court shall adjudge.

Punishment for not observing orders, when preparing for battle.

1800.

Punishment for
cowardice, negli-
gence, or disaf-
fection.

Art. 6. Every officer, or private, who shall, through cowardice, negligence, or disaffection, in time of action, withdraw from, or keep out of battle, or shall not do his utmost to take or destroy every vessel which it is his duty to encounter, or shall not do his utmost endeavor to afford relief to ships belonging to the United States, every such offender shall, on conviction thereof by a general court martial, suffer death, or such other punishment as the said court shall adjudge.

Papers to be
transmitted res-
pecting captures.

Art. 7. The commanding officer of every ship or vessel in the navy, who shall capture, or seize upon, any vessel as a prize, shall carefully preserve all the papers and writings found on board, and transmit the whole of the originals, un mutilated, to the judge of the district to which such prize is ordered to proceed, and shall transmit to the Navy Department, and to the agent appointed to pay the prize money, complete lists of the officers and men entitled to a share of the capture, inserting therein 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.

Penalty on pillag-
ing a prize, or
maltreating the
persons on board
the same.

Art. 8. 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 rigging, unless it be for the better preservation thereof, or absolutely necessary for the use of any of the vessels 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, or the court of admiralty in which the prize is adjudged, shall impose.

Art. 9. No person in the navy shall strip of their 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.

Intercourse with
enemies and re-
bels.

Art. 10. No person in the navy 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, on pain of death, or such other punishment as a court martial shall adjudge.

Letter or message
from an enemy to
be made known.

Art. 11. If any letter or message from an enemy or rebel be conveyed to any officer or private of the navy, and he shall not, within twelve hours, make the same known, having opportunity so to do, to his superior or commanding officer; or if any officer commanding a ship or vessel, being acquainted therewith, shall not, with all convenient speed, reveal the same to the commander-in-chief of the fleet, commander of a squadron, or other proper officer, whose duty it may be to take cognizance thereof, every such offender shall suffer death, or such other punishment as a court martial shall adjudge.

Art. 12. 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. 1800.
Spies shall suffer death.

Art. 13. If any person in the navy shall make, or attempt to make, any mutinous assembly, he shall, on conviction thereof by a court martial, suffer death; and if any person as aforesaid shall utter any seditious or mutinous words, or shall conceal or connive at any mutinous or seditious practices, or shall treat with contempt his superior, being in the execution of his office; or, being witness to any mutiny or sedition, shall not do his utmost to suppress it, he shall be punished at the discretion of a court martial. Mutiny and sedition.

Art. 14. No officer or private in the navy shall disobey the lawful orders of his superior officer, or strike him, or draw, or offer to draw, or raise, any weapon against him, while in the execution of the duties of his office, on pain of death, or such other punishment as a court martial shall inflict. Disobedience of orders, & assault of a superior officer.

Art. 15. No person in the navy shall quarrel with any other person in the navy, nor use provoking or reproachful words, gestures, or menaces, on pain of such punishment as a court martial shall adjudge. Quarreling.

Art. 16. If any person in the navy shall desert to an enemy or rebel, he shall suffer death. Desertion.

Art. 17. If any person in the navy shall desert, or shall entice others to desert, he shall suffer death, or such other punishment as a court martial shall adjudge; and if any officer, or other person belonging to the navy, shall receive or entertain any deserter from any other vessel of the navy, knowing him to be such, and shall not, with all convenient speed, give notice of such deserter to the commander of the vessel to which he belongs, or to the commander-in-chief, or to the commander of the squadron, he shall, on conviction thereof, be cashiered, or be punished at the discretion of a court martial. 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. Offences committed on shore.

Art. 18. If any person in the navy 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, he shall, on conviction, be cashiered, and rendered forever incapable of any future employment in the service of the United States, and shall forfeit all the pay and subsistence due him, and suffer such other punishment as a court martial shall inflict. Frauds against the United States

Art. 19. If any officer, or other person, in the navy, shall, through inattention, negligence, or any other fault, suffer any vessel of the navy to be stranded, or run upon rocks or shoals, or hazarded, he shall suffer such punishment as a court martial shall adjudge. Improper navigation of vessels.

1800.

Negligence in the performance of duty, etc.

Art. 20. If any person in the navy shall sleep upon his watch, or negligently perform the duty assigned him, or leave his station before regularly relieved, he shall suffer death, or such punishment as a court martial shall adjudge; or, if the offender be a private, he may, at the discretion of the captain, be put in irons, or flogged not exceeding twelve lashes.

Murder.

Art. 21. The crime of murder, when committed by any officer, seaman, or marine, 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.

Duties in relation to convoy.

Art. 22. The officers and privates of every ship or vessel appointed as convoy to merchant or other vessels, shall diligently and faithfully discharge the duties of their appointment, nor shall they demand or exact any compensation for their services, nor maltreat any of the officers or crews of such merchant or other vessels, on pain of making such reparation as a court of admiralty may award, and of suffering such further punishment as a court martial shall adjudge.

Penalty on receiving merchandise on board.

Art. 23. If any commander or other officer shall receive or permit to be received, on board his vessel, any goods or merchandise, other than for the sole use of his vessel, except gold, silver, or jewels, and except the goods or merchandise of vessels which may be in distress, or shipwrecked, or in imminent danger of being shipwrecked, in order to preserve them for their owner, without orders from the President of the United States or the Navy Department, he shall, on conviction thereof, be cashiered, and be incapacitated forever afterwards for any place or office in the navy.

Waste, embezzlement, etc. of public property.

Art. 24. If any person in the navy shall waste, embezzle, or fraudulently buy, sell, or receive, any ammunition, provisions, or other public stores; or if any officer or other person shall, knowingly, permit, through design, negligence, or inattention, any such waste, embezzlement, sale or receipt, every such person shall forfeit all the pay and subsistence then due him, and suffer such further punishment as a court martial shall direct.

Burning, or destroying public property.

Art. 25. If any person in the navy shall unlawfully set fire to or burn any kind of public property, not then in the possession of an enemy, pirate, or rebel, he shall suffer death: and if any person shall, in any other manner, destroy such property, or shall not use his best exertions to prevent the destruction thereof by others, he shall be punished at the discretion of a court martial.

Theft.

Art. 26. Any theft, not exceeding twenty dollars, may be punished at the discretion of the captain, and above that sum, as a court martial shall direct.

Offences against people on shore.

Art. 27. If any person in the navy shall, when on shore, plunder, abuse, or maltreat, any inhabitant, or injure his property in any way, he shall suffer such punishment as a court martial shall adjudge.

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Art. 28. Every person in the navy shall use his utmost exertions to detect, apprehend, and bring to punishment, all offenders, and shall, at all times, aid and assist all persons appointed for this purpose, on pain of such punishment as a court martial shall adjudge.

Detection and apprehension of offenders.

Art. 29. Each commanding officer shall, whenever a seaman enters on board, cause an accurate entry to be made in the ship's books of his name, time, and term of his service; and, before sailing, transmit to the Secretary of the Navy a complete list or muster roll of the officers and men under his command, with the date of their entering, time and terms of their service annexed; and shall cause similar lists to be made out on the first day of every second month, to be transmitted to the Secretary of the Navy, as opportunities shall occur; accounting in such lists, or muster rolls, for any casualties which may have taken place since the last list or muster roll. 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 purser 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 its 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, and the period and terms of his service; which account shall be signed by the commanding officer and purser. He shall cause the rules 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 surgeon shall so advise, and shall direct that some of the crew attend them and keep the place clean; and, if necessary, shall direct that cradles, and buckets with covers, be made for their use: 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.

Muster rolls and ship's books.

Inspection of provisions. Officers and men detach'd from the ship to be furnished with certain statements.

Rules to be hung up and read.

Treatment of the sick.

Paying off.

Art. 30. No commanding officer shall, of his own authority, discharge a commissioned or warrant officer, nor strike, nor punish him otherwise than by suspension or confinement, nor shall he, of his own authority, inflict a punishment on any private beyond twelve lashes with a cat-of-nine-tails, nor shall he suffer any wired, or other than a plain, cat-of-nine-tails, to be used on board his ship; nor shall any officer who may command by accident, or in the absence of the commanding officer (except such commander be absent for a time by leave) order or inflict

Treatment of inferior officers and men.

800. any other punishment than confinement, for which he shall account on the return of such absent commanding officer. Nor shall any commanding officer receive on board any petty officers or men, turned over from any other vessel to him, unless each of such officers and men produce to him an account, signed by the captain and purser of the vessel from which they came, specifying the date of such officer's or man's entry, the period and terms of service, the sums paid and the balance due him, and the quality in which he was rated on board such ship. Nor shall any commanding officer, having received any petty officer or man as aforesaid, rate him in a lower or worse station than that in which he formerly served. Any commanding officer, offending herein, shall be punished at the discretion of a court martial.

Master at arms. *Art. 31.* Any master-at-arms, or other person of whom the duty of master-at-arms is required, who shall 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 proper authority, shall suffer in such prisoners' stead, or be punished otherwise at the discretion of a court martial.

Crimes not specified. *Art. 32.* All crimes committed by persons belonging to the navy, which are not specified in the foregoing articles, shall be punished according to the laws and customs in such cases at sea.

Who are petty officers. *Art. 33.* 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, are deemed petty officers.

Assignment of wages and prize money. *Art. 34.* Any person entitled to wages or prize money may have the same paid to his assignee, provided the assignment be attested by the captain and purser; and in case of the assignment of wages, the power shall specify the precise time they commence. But the commander of every vessel is required to discourage his crews from selling any part of their wages or prize money, 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 wages or prize money.

NAVAL GENERAL COURTS MARTIAL.

Appointment of naval general courts martial. *Art. 35.* General courts martial may be convened as often as the President of the United States, the Secretary of the Navy, or the commander-in-chief of the fleet, or commander of a squadron, while acting out of the United States, shall deem it necessary: *provided*, that no general court martial shall consist of more than thirteen, nor less than five, 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 ranking agreeably to the date of their commissions; 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.

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Art. 36. 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 of members
of general courts
martial.

"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."

This oath or affirmation being duly administered, the President is authorized and required to administer the following oath or affirmation to the judge advocate, or person officiating as such.

Oath of the 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."

Art. 37. 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 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 the said court.

All testimony to
be on oath.

Punishment for
refusing to testi-
fy, prevarication,
or contempt.

Perjury.

Art. 38. All charges, on which an application for a general court martial is founded, shall be exhibited in writing to the proper officer, and the person demanding the court shall take care that the person accused be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest, nor shall any other charge or charges, than those so ex-

Exhibition
charges. of

Accused to be
furnished with a
copy.

1800.

hibited, 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 person demanding the court, when the person so to be 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 pain of dismissal from service.

Treatment of an arrested officer.

Continuance of general courts martial;

To sit from day to day.

Pay and emoluments may be suspended.

How sentences are to be given and confirmed.

Pardon and mitigation of punishments.

Courts of inquiry may be ordered.

Art. 39. 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: 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.

Art. 40. Whenever a court martial shall sentence any officer to be suspended, the court shall have power to suspend his pay and emoluments for the whole, or any part, of the time of his suspension.

Art. 41. 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; or, if the trial take place out of the United States, until it be confirmed by the commander of the fleet or squadron: 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.

A court martial shall not, for any one offence not capital, inflict a punishment beyond one hundred lashes.

Art. 42. The President of the United States, or, when the trial takes place out of the United States, the commander of the fleet or squadron, shall possess full power to pardon any offence committed against these articles, after conviction, or to mitigate the punishment decreed by a court martial.

SEC. 2. Art. 1. And be it further enacted, That 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, shall have permission to cross-examine all the witnesses.

Art. 2. The proceedings of 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 to be authenticated.

Art. 3. The judge advocate, or person officiating as such, shall administer to the members the following oath or affirmation :

Oaths of members and judge advocate.

“ 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.”

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. 3. 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 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 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 private 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.

In case of loss of the vessel, the command of the officers shall remain in force.

SEC. 4. And be it further enacted, That all the pay and emoluments of such 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.

Pay of captives to continue.

SEC. 5. And be it further enacted, That the proceeds of all ships and vessels, and the goods taken on board of them, which shall be adjudged good prize, shall, when of equal or superior force to the vessel or vessels making the capture, be the sole

To whom the proceeds of prizes shall accrue.

1800. property of the captors; and when of inferior force, shall be divided equally between the United States and the officers and men making the capture.
- Distribution of prize money. SEC. 6. *And be it further enacted*, That the prize money, belonging to the officers and men, shall be distributed in the following manner:
- Commanding officers. 1. To the commanding officers of fleets, squadrons, or single ships, three-twentieths, of which the commanding officer of the fleet or squadron shall have one-twentieth, if the prize be taken by a ship or vessel acting under his command, and the commander of single ships two-twentieths; but where the prize is taken by a ship acting independently of such superior officer, the three-twentieths shall belong to her commander.
- Lieutenants, captain of marines, and master. 2. To sea lieutenants, captains of marines, and sailing masters, two-twentieths; but where there is a captain, without a lieutenant of marines, these officers shall be entitled to two-twentieths and one-third of a twentieth, which third, in such case, shall be deducted from the share of the officers mentioned in article No. 3, of this section.
- Chaplain, lieutenant of marines, surgeon purser, and warrant officers. 3. To chaplains, lieutenants of marines, surgeons, pursers, boatswains, gunners, carpenters, and master's mates, two-twentieths.
- Midshipmen, surgeon's mates, etc. 4. To midshipmen, surgeon's mates, captain's clerks, school-masters, boatswain's mates, gunner's mates, carpenter's mates, ship's stewards, sailmakers, masters-at-arms, armorers, cockswains, and coopers, three-twentieths and an half.
- Petty officers. 5. To gunner's yeomen, boatswain's yeomen, quartermasters, quarter gunners, sailmaker's mates, sergeants and corporals of marines, drummers, fifers, and extra petty officers, two-twentieths and an half.
- Seamen. 6. To seamen, ordinary seamen, marines, and all other persons doing duty on board, seven-twentieths.
- Vessels in sight to share. 7. Whenever one or more public ships or vessels are in sight at the time any one or more ships are taking a prize or prizes, they shall all share equally in the prize or prizes, according to the number of men and guns on board each ship in sight.
- When commanders of squadrons are not entitled. No commander of a fleet or squadron shall be entitled to receive any share of prizes taken by vessels not under his immediate command; nor of such prizes as may have been taken by ships or vessels intended to be placed under his command, before they have acted under his immediate orders; nor shall a commander of a fleet or squadron, leaving the station where he had the 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.
- Bounty given for each person on board an enemy's ship. SEC. 7. *And be it further enacted*, That a bounty shall be paid by the United States, of twenty dollars, for each person on board any ship of an enemy at the commencement of an engagement, which shall be sunk or destroyed by any ship or vessel belonging to the United States of equal or inferior force, the same to be divided among the officers and crew in the same manner as prize money.

SEC. 8. *And be it further enacted,* That every officer, seaman, or marine, disabled in the line of his duty, shall be 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 one half his monthly pay. 1800.

Pensions to persons disabled in the service.

SEC. 9. *And be it further enacted,* That all money accruing, or which has already accrued, to the United States from the sale of prizes, shall be, and remain forever, a fund for the payment of pensions and half pay, should the same be hereafter granted, to the officers and seamen 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, marines, and for such as, though not disabled, may merit, by their bravery, or long and faithful services, the gratitude of their country.

Money accruing to U. S. to remain forever a fund for payment of pensions, and further provision to such as may merit it.

SEC. 10. *And be it further enacted,* That the said fund shall be under the management and direction of the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, for the time being, who are hereby authorized to receive any sums to which the United States may be entitled from the sale of prizes, and employ and invest the same, and the interest arising therefrom, in any manner which a majority of them may deem most advantageous: And it shall be the duty of the said commissioners to lay before Congress, annually, in the first week of their session, a minute statement of their proceedings relative to the management of said fund.

Secretaries of the navy, treasury, and war, to receive and invest any sums to which the U. S. may be entitled; to report to Congress annually.

SEC. 11. *And be it further enacted,* That the act passed the second day of March, in the year one thousand seven hundred and ninety-nine, entitled "An act for the government of the navy of the United States," from and after the first day of June next, shall be, and is hereby, repealed.

Repeal of former act.

APPROVED, April 23, 1800.

AN ACT in addition to the act, intituled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country."

SEC. 1. *Be it it enacted, &c.,* That it shall be unlawful for any citizen of the United States, or other person residing within the United States, directly or indirectly to hold, or have any right or property in, any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any right or property, belonging as aforesaid, shall be forfeited, and may be libelled and condemned for the use of the person who shall sue for the same; and such person, transgressing the prohibition aforesaid, shall also forfeit and pay a sum of money equal to double the value of the right or property in such vessel, which he held as aforesaid; and shall also forfeit a sum of money equal to double the value of the interest which he may have had in the slaves, which at any

Penalty on citizens having an interest in vessels employed in the slave trade.

1800. time may have been transported or carried in such vessel, after the passing of this act, and against the form thereof.

Penalty on citizens serving in such vessels.

SEC. 2. *And be it further enacted*, That it shall be unlawful for any citizen of the United States, or other person residing therein, to serve on board any vessel of the United States employed or made use of in the transportation or carrying of slaves from one foreign country or place to another; and any such citizen, or other person, voluntarily serving as aforesaid, shall be liable to be indicted therefor, and, on conviction thereof, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding two years.

Citizens of U. S. serving on board foreign vessels.

SEC. 3. *And be it further enacted*, That if any citizen of the United States shall voluntarily serve on board of any foreign ship or vessel, which shall hereafter be employed in the slave trade, he shall, on conviction thereof, be liable to, and suffer the like forfeitures, pains, disabilities, and penalties, as he would have incurred had such ship or vessel been owned or employed, in whole or in part, by any person or persons residing within the United States.

Commissioned vessels authorized to seize vessels contravening this or the former act.

Vessels, tackle, etc., to be forfeited.

SEC. 4. *And be it further enacted*, That it shall be lawful for any of the commissioned vessels of the United States to seize and take any vessel employed in carrying on trade, business, or traffic, contrary to the true intent and meaning of this, or the said act to which this is in addition; and such vessel, together with her tackle, apparel, and guns, and the goods or effects, other than slaves, which shall be found on board, shall be forfeited, and may be proceeded against in any of the district or circuit courts, and shall be condemned for the use of the officers and crew of the vessel making the seizure, and be divided in the proportion directed in the case of prize: And all persons interested in such vessel, or in the enterprise or voyage in which such vessel shall be employed at the time of such capture, shall be precluded from all right or claim to the slaves found on board such vessel as aforesaid, and from all damages or retribution on account thereof: And it shall moreover be the duty of the commanders of such commissioned vessels to apprehend and take 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 in some one of the districts thereof, to be proceeded against in due course of law.

Persons found on board to be apprehended and conveyed to U. S.

District and circuit court to have jurisdiction of offences.

Construction of the act.

Distribution of penalties.

SEC. 5. *And be it further enacted*, That the district and circuit courts of the United States shall have cognizance of all acts and offences against the prohibitions herein contained.

SEC. 6. *Provided, nevertheless, and be it further enacted*, That nothing in this act contained shall be construed to authorize the bringing into either of the United States, any person or persons, the importation of whom is, by the existing laws of such State, prohibited.

SEC. 7. *And be it further enacted*, That the forfeitures, which shall hereafter be incurred under this, or the said act to

which this is in addition, not otherwise disposed of, shall accrue and be one moiety thereof to the use of the informer, and the other moiety to the use of the United States, except where the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

1800.

One half to informer, and one half to U. S.

APPROVED, May 10, 1800.

AN ACT providing for a naval peace establishment, and for other purposes.

[Obsolete.]

SEC 1. *Be it enacted, &c.*, That the President of the United States be, and he hereby is, authorized, whenever the situation of public affairs shall, in his opinion, render it expedient, to cause to be sold, they being first divested of their guns and military stores, which are to be carefully preserved, all or any of the ships and vessels belonging to the navy, except the frigates United States, Constitution, President, Chesapeake, Philadelphia, Constellation, Congress, New York, Boston, Essex, Adams, John Adams, and General Greene; and also to lay up all the frigates thus to be retained, except such as are directed by this act to be kept in constant service in time of peace.

The President may cause to be sold certain of the public vessels.

SEC. 2. *And be it further enacted*, That six of the frigates to be retained shall be kept in constant service in time of peace, and shall be officered and manned as the President of the United States may direct, not to exceed, however, two-thirds of the present complement of seamen, and ordinary seamen; the residue of the frigates to be retained shall be laid up in convenient ports, and there shall be permanently attached to each frigate, so laid up, one sailing master, one boatswain, one gunner, one carpenter, and one cook, one sergeant or corporal of marines, and eight marines; and to the large frigates twelve, and to the small frigates ten seamen; the sailing master shall have the general care and superintendence of the ship; and shall generally execute such duties of a purser as may be necessary. [Sec. 2 repealed in part March 27, 1804, and wholly, April 21, 1806.]

Six of the frigates to be retained in constant service.

SEC. 3. *And be it enacted*, That, from and after the day when the reduction of the navy shall take place as aforesaid, the navy ration shall consist of as follows: on Sunday, fourteen ounces of bread, one and a quarter pound of beef, half a pound of flour, one quarter of a pound of suet, one half pint of distilled spirits; Monday, fourteen ounces of bread, one pound of pork, half pint of peas, one half pint of distilled spirits; Tuesday, fourteen ounces of bread, one pound of beef, two ounces of cheese, one half pint of distilled spirits; Wednesday, fourteen ounces of bread, one pound of pork, half pint of rice, one half pint of distilled spirits; Thursday, fourteen ounces of bread, one and a quarter pound of beef, half pound of flour, quarter pound of suet, one half pint of distilled spirits; Friday, fourteen ounces of bread, four ounces of cheese, two ounces of butter, half pint of rice, half pint of molasses, one

Component parts of a ration after the reduction of the navy.

1803. half pint of distilled spirits; Saturday, fourteen ounces of bread, one pound of pork, half pint of peas, half pint of vinegar, one half pint of distilled spirits.

Number of officers to be retained.

SEC. 4. *Be it further enacted*, That the President of the United States retain in the navy service, in time of peace, nine captains, thirty-six lieutenants, and one hundred and fifty midshipmen, including those employed on board of the six frigates to be kept in service; and that he be authorized to discharge all the other officers in the navy service of the United States; but such of the aforesaid officers as shall be retained in the service, shall be entitled to receive no more than half their monthly pay during the time when they shall not be under orders for actual service. [Sec. 4 repealed, April 21, 1806.]

Four months extra pay allowed to those who are discharged.

SEC. 5. *Be it further enacted*, That all the commissioned and warrant officers, who shall be discharged as aforesaid, shall be entitled to receive four months' pay, over and above what may be due to them respectively at the time of their discharge.

APPROVED, March 3, 1801.

AN ACT authorizing the sale of a piece of land, parcel of the navy yard belonging to the United States, in Charlestown, in the State of Massachusetts, to the proprietors of the Salem turnpike road and Chelsea bridge corporation.

[Obsolete.]

Secretary of the Navy authorized to convey a piece of land to the Salem bridge corporation.

SEC. 1. *Be it enacted, &c.*, That the Secretary of the Navy be, and he hereby is, authorized and empowered, by indenture of bargain and sale, in common form, to convey, in fee simple, to the proprietors of the Salem turnpike and Chelsea bridge corporation, by their proper name of incorporation, a certain piece of land, lying on the western corner, and being parcel of the navy yard belonging to the United States, in Charlestown, in the State of Massachusetts, containing fifteen square perches, or thereabouts, or so much thereof as is required to enable the said proprietors to lay out and make a turnpike road from Salem to Charlestown bridge, near Boston, according to the plan exhibited to Congress by the said proprietors.

Valuation to be ascertained by disinterested persons, and paid.

SEC. 2. *And be it further enacted*, That it shall be the duty of the said Secretary, prior to the making the said conveyance, to cause the said piece of land to be valued by disinterested men, to be appointed in such manner as he shall agree with the said proprietors; the amount of which said valuation, being paid to the use of the United States, it shall then, and not before, be lawful for the said Secretary to make the aforesaid conveyance.

APPROVED, February 10, 1803.

AN ACT to provide an additional armament for the protection of the seamen and commerce of the United States.

[Obsolete.]

President authorized to put into service four ves-

SEC. 1. *Be it enacted, &c.*, That the President of the United States be, and he hereby is, authorized and empowered to cause to

be built, or to be purchased (if the exigencies of the service shall require it) four vessels of war, to carry not exceeding sixteen guns each; to be armed, manned, and fitted out for the protection of the seamen and commerce of the United States in the Mediterranean and adjacent seas, and for other purposes, as the public service may require. 1803.

SEC. 2. *And be it further enacted*, That the sum of ninety-six thousand dollars be, and hereby is, appropriated for the purpose aforesaid, out of any moneys in the treasury of the United States not otherwise appropriated. \$96,000 appropriated for the above

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized and empowered to cause to be built, a number not exceeding fifteen gun boats, to be armed, manned, and fitted out, and employed for such purposes as in his opinion the public service may require; and that a sum, not exceeding fifty thousand dollars be, and hereby is, appropriated for this purpose, out of any moneys in the treasury of the United States not otherwise appropriated. President authorized to put into service fifteen gun boats. \$50,000 appropriated for the purpose.

APPROVED, February 28, 1803.

AN ACT to prevent the importation of certain persons into certain States, where, by the laws thereof, their admission is prohibited.

SEC. 1. *Be it enacted, &c.*, That, from and after the first day of April next, no master or captain of any ship or vessel, or any other person, shall import or bring, or cause to be imported or brought, any negro, mulatto, or other person of color, not being a native, a citizen, or registered seaman, of the United States, or seamen, natives of countries beyond the Cape of Good Hope, into any port or place of the United States, which port or place shall be situated in any State which by law has prohibited, or shall prohibit, the admission or importation of such negro, mulatto, or other person of color; and if any captain or master aforesaid, or any other person, shall import or bring, or cause to be imported or brought, into any of the ports or places aforesaid, any of the persons whose admission or importation is prohibited as aforesaid, he shall forfeit and pay the sum of one thousand dollars for each and every negro, mulatto, or other person of color aforesaid, brought or imported as aforesaid, to be sued for and recovered by action of debt, in any court of the United States; one half thereof to the use of the United States, the other half to any person or persons prosecuting for the penalty; and in any action instituted for the recovery of the penalty aforesaid, the person or persons sued may be held to special bail: *provided, always*, that nothing contained in this act shall be construed to prohibit the admission of Indians. No negro, mulatto, or person of color, to be bro't into U. S. after April 1, 1803. Forfeiture. How recovered. To be divided.

SEC. 2. *And be it further enacted*, That no ship or vessel, arriving in any of the said ports or places of the United States, and having on board any negro, mulatto, or other person of color, not being a native, a citizen, or registered seaman of the U States, or seamen natives of countries beyond the Cape of Good Hope Vessels having prohibited persons on board, not to be admitted to entry.

1804. as aforesaid, shall be admitted to an entry. And if any such negro, mulatto, or other person of color, shall be landed from on board any ship or vessel, in any of the ports or places aforesaid, or on the coast of any State prohibiting the admission or importation, as aforesaid, the said ship or vessel, together with her tackle, apparel, and furniture, shall be forfeited to the United States, and one half of the nett proceeds of the sales on such forfeiture shall inure and be paid over to such person or persons on whose information the seizure of such forfeiture shall be made.

Forfeiture of vessel.

Duty of collectors and officers of customs to prevent admission.

SEC. 3. *And be it further enacted*, That it shall be the duty of the collectors, and other officers of the customs, and all other officers of the revenue of the United States, in the several ports or places situated as aforesaid, to notice, and be governed by, the provisions of the laws now existing, of the several States prohibiting the admission or importation of any negro, mulatto, or other person of color, as aforesaid. And they are hereby enjoined vigilantly to carry into effect the said laws of said States, conformably to the provisions of this act; any law of the United States to the contrary notwithstanding.

APPROVED, February 28, 1803.

AN ACT further to protect the commerce and seamen of the United States against the Barbary powers.

[Obsolete.]

President authorized to employ a naval force in the Mediterranean.

SEC. 3. *And be it further enacted*, That the President of the United States, if he shall deem it necessary, shall be, and he is hereby, authorized to cause to be purchased, or built, officered, manned, and equipped, two vessels of war, to carry not more than sixteen guns each, and likewise to hire, or accept on loan, in the Mediterranean sea, as many gun boats as he may think proper.

APPROVED, March 25, 1804.

AN ACT in relation to the navy pension fund.

[Obsolete.]

Money arising from captures, not already paid over, to be paid to the treasurer.

SEC. 1. *Be it enacted, &c.*, That all the money accruing, or which has already accrued, to the U. States, from the capture of prizes authorized by law, and which has not already been paid to the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of War, as commissioners of the navy pension fund, shall be paid to the Treasurer of the United States.

How the money is to be disbursed by the treasurer.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Treasurer of the United States to receive all the money so accruing, and to disburse the same pursuant to warrants from the Secretary of the Navy, countersigned by the accountant of the navy; and a distinct quarterly account, of the moneys thus received and disbursed, shall be rendered by the said Treasurer to the accounting officers of the treasury, in the same manner as is provided for other public moneys received by him.

Quarterly accounts to be rendered.

SEC. 3. *And be it further enacted,* That it shall be the duty of the accountant of the navy to receive and settle all accounts whatever, in relation to the navy pension fund, and report, from time to time, all such settlements as shall have been made by him, for the inspection and revision of the accounting officers of the treasury, in the same manner as in other cases of public accounts. 1804.
Accountant of the navy to receive and settle all navy pension accounts, and report the same.

SEC. 4. *And be it further enacted,* That the comptroller of the treasury shall be fully authorized and empowered to direct suits for the recovery of any sums now due, or which may hereafter be due, to the United States, for prizes as aforesaid, and to prosecute the same in the name of the United States, in the same manner as in other cases for the recovery of moneys due to the United States. Comptroller authorized to institute suits for prize money.

SEC. 5. *And be it further enacted,* That the commissioners of the navy pension fund be, and they are hereby, authorized to appoint a secretary, who shall perform all such duties in relation to the fund as they shall require of him; and shall receive for his services a salary, not exceeding two hundred and fifty dollars per annum, to be paid quarter yearly at the treasury of the United States, and charged to the same fund. Commissioners of the navy pension fund may appoint a secretary. His duty and emoluments.

SEC. 6. *And be it further enacted,* That the commissioners of the navy pension fund be, and they are hereby, authorized and directed to make such regulations, as may to them appear expedient, for the admission of persons on the roll of navy pensioners, and for the payment of the pensions. Commissioners to make rules and regulations for the admission of pensioners.

APPROVED, March 26, 1804.

AN ACT supplementary to the act, intituled "An act providing for a naval peace establishment, and for other purposes."

SEC. 1. *Be it enacted, &c.,* That the President of the U. States be, and he is hereby, authorized to attach to the navy yard at Washington, and to the frigates and other vessels laid up in ordinary in the Eastern Branch, a captain of the navy, who shall have the general care and superintendence of the same; and shall perform the duties of agent* to the navy department, and shall be entitled to receive, for his services, the pay and emoluments of a captain commanding a squadron on separate service. And the President of the United States is hereby further authorized to attach permanently, to the said navy yard and vessels, one other commissioned officer of the navy, who shall receive for his services the pay and emoluments of a captain commanding a twenty gun ship, one surgeon and one surgeon's mate of the navy, who shall be severally allowed for their services the same pay, rations, and emoluments, as are allowed to a surgeon, and to a surgeon's mate, in the army of the United States; one sailing-master, one head carpenter, one plumber, one head block-maker, one head cooper, two boatswains, two Captain of navy to be attached to the navy yard & vessels in ordinary at Washington. His duties, pay and emoluments.

* So much of this act as directs that the commandant of the navy yard at Washington shall also perform the duties of agent, repealed, July 10, 1832.

1805.

Proviso.

gunners, one sailmaker, one storekeeper, one purser, one clerk of the yard, and, also, such seamen and marines as, in the opinion of the President, shall be deemed necessary: *provided*, that the number of seamen or marines shall not at any time be greater than what is at present authorized by the act to which this is a supplement.

Repeal of a part of a former act.

SEC. 2. *And be it further enacted*, That that part of the act to which this is a supplement, which attaches to each frigate, laid up in ordinary, one sailing-master, one boatswain, one gunner, one carpenter, and one cook, one sergeant or corporal of marines, and eight marines, and to the large frigates twelve, and to the small frigates ten seamen, and which declares that the sailing-master shall have the care of the ship, and shall execute such duties of a purser as may be necessary, shall be, and hereby is, repealed.

APPROVED, March 27, 1804.

AN ACT to authorize the erection of a bridge across a mill-pond and marsh in the navy yard, belonging to the United States, in the town of Brooklyn, in the State of New York.

[Obsolete.]

President authorized to grant permission for opening and improving a road from Brooklyn ferry, etc. in N. York, to erect a bridge across a part of the navy yard of the U. S. in the said town.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized, by a proper instrument in writing under his hand, in due form, to grant to such person or persons, or body corporate, by their proper name of incorporation, as shall be authorized, by an act of the Legislature of the State of New York, to open and improve a road from Brooklyn ferry, in that State, along the shore of the Wallaboght, to Bushwick, to erect a bridge across the mill-pond and marsh, being part of the navy yard belonging to the United States, in the said town of Brooklyn, and to maintain such bridge under such restrictions, and on such conditions, as he shall prescribe: *provided, nevertheless*, that if, at any future time, it shall appear to the President of the United States that the property of the United States is injured by such bridge, he may revoke the permission granted by him for erecting the same. *And provided, also*, That no toll shall be demanded, at any time, for any article, the property of the United States, which may be conveyed to or for their use, over or across the said bridge, or from any person or persons employed in the said navy yard, who may pass or repass on the said bridge.

Proviso.

Proviso.

APPROVED, March 2, 1805.

AN ACT to appropriate a sum of money for the purpose of building gun boats.

[Obsolete.]

\$60,000 appropriated for building a number of gun boats.

Be it enacted, &c., That the sum of sixty thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated, for the purpose of enabling the President to cause to be built a number of

gun boats, not exceeding twenty-five, for the better protection of the ports and harbors of the United States. 1806.

APPROVED, March 2, 1805.

AN ACT in addition to an act, intituled "An act supplementary to the act providing for a naval peace establishment, and for other purposes."

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That the second and fourth sections of "An act providing for a naval peace establishment, and for other purposes," be, and the same are hereby, repealed. Second & fourth sections of a former act repealed.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to keep in actual service, in time of peace, so many of the frigates and other public armed vessels of the United States, as, in his judgment, the nature of the service may require, and to cause the residue thereof to be laid up in ordinary in convenient ports. President to keep in actual service, in time of peace, as many frigates as he may think proper. Rest to be laid up

SEC. 3. *And be it further enacted*, That the public armed vessels of the United States, in actual service, in time of peace, shall be officered and manned as the President of the United States shall direct; *provided*, that the officers shall not exceed the following numbers and grades, that is to say: thirteen captains, nine masters commandant, seventy-two lieutenants, and one hundred and fifty midshipmen; but the said officers shall receive no more than half their monthly pay, during the time when they shall not be under orders for actual service; *and provided, farther*, that the whole number of able seamen, ordinary seamen and boys, shall not exceed nine hundred and twenty-five;* but the President may appoint, for the vessels in actual service, so many surgeons, surgeon's mates, sailing-masters, chaplains, pursers, boatswains, gunners, sailmakers, and carpenters, as may, in his opinion, be necessary and proper. Armed vessels to be officered and armed as the President chooses. Proviso.

APPROVED, April 21, 1806.

AN ACT for fortifying the ports and harbors of the United States, and for building gun boats.

[Obsolete.]

SEC. 2. *And be it further enacted*, That a sum of money, not exceeding two hundred and fifty thousand dollars, in addition to the sums heretofore appropriated, shall be, and the same is hereby, appropriated, to enable the President of the United States to cause to be built and completed, a number of gun boats, not exceeding fifty, for the protection of the harbors, coasts, and commerce of the United States; and the President is hereby authorized to officer, man, and equip, any part, or all, of said gun boats, when he shall judge the same expedient, for the purposes aforesaid; and a sum, not exceeding twenty thousand dollars, is hereby appropriated to defray any expense which may be incurred by officering, manning, and equipping, gun boats, as aforesaid. §250,000 appropriated for building gun boats for the protection of the harbors, etc., of the U. S.

President authorized to officer, man and equip them, and \$20,000 appropriated therefor.

* President authorized, March 3, 1807, to employ 500 additional seamen, etc.

1807.

Armed vessels of the United States may be sold, at the discretion of the President.

Appropriations—out of what funds to be paid.

SEC. 3. *And be it further enacted*, That the President of the United States may direct any of the armed vessels of the United States to be sold, whenever he shall be of opinion that the said vessel is so much out of repair that it will not be for the interest of the United States to repair the same.

SEC. 4. *And be it further enacted*, That the several sums of money hereby appropriated, shall be paid out of any money in the treasury of the United States, not otherwise appropriated.

APPROVED, April 21, 1806.

AN ACT to provide for surveying the coasts of the United States.

[Repealed in part, April 14, 1818, and revived by act of July 10, 1832.]

President authorized to cause a survey of coast of the U. States to be made, and an accurate chart to be prepared.

SEC. 1. *Be it enacted, &c.*, That the President of the U. States shall be, and he is hereby, authorized and requested, to cause a survey to be taken of the coasts of the United States, in which shall be designated the islands and shoals, with the roads or places of anchorage, within twenty leagues of any part of the shores of the United States; and also the respective courses and distances between the principal capes, or head-lands, together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts within the extent aforesaid.

President also authorized to cause examinations to be made with respect to St. George's bank.

SEC. 2. *And be it further enacted*, That it shall be lawful for the President of the United States to cause such examinations and observations to be made, with respect to St. George's bank, and any other bank or shoal, and the soundings and currents beyond the distance aforesaid, to the Gulf stream, as in his opinion may be especially subservient to the commercial interests of the United States.

President authorized to cause proper persons to be employed, and such of the public vessels as may be wanted.

SEC. 3. *And be it further enacted*, That the President of the United States shall be, and he is hereby, authorized and requested, for any of the purposes aforesaid, to cause proper and intelligent persons to be employed, and also such of the public vessels in actual service as he may judge expedient, and to give such instructions for regulating their conduct as to him may appear proper, according to the tenor of this act.

\$50,000 appropriated.

SEC. 4. *And be it further enacted*, That, for carrying this act into effect, there shall be, and hereby is, appropriated, a sum not exceeding fifty thousand dollars, to be paid out of any moneys in the treasury not otherwise appropriated.

APPROVED, February 10, 1807.

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.

[See act, in addition to this, approved March 3, 1819.]

Importation of slaves into the U. S. forbidden.

SEC. 1. *Be it enacted, &c.*, That, from and after the first day of January, one thousand eight hundred and eight, it shall not be lawful to import, or bring into the United States, or the territo-

ries therof, from any foreign kingdom, place, or country, any negro, mulatto, or person of color, with intent to hold, sell, or dispose of, such negro, mulatto, or person of color, as a slave, or to be held to service or labor.

SEC. 2. *And be it further enacted,* That no citizen or citizens of the United States, or any other person, shall, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, for himself, or themselves, or any other persons whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare, any ship or vessel, in any port or place within the jurisdiction of the United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of procuring any negro, mulatto, or person of color, from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, within the jurisdiction of the United States, to be held, sold, or disposed of, as slaves, or to be held to service or labor: and if any ship or vessel shall be so fitted out for the purpose aforesaid, or shall be caused to sail so as aforesaid, every such ship or vessel, her tackle, apparel, and furniture, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned, in any of the circuit courts, or district courts, for the district where the said ship or vessel may be found or seized.

Forfeiture of vessels fitted out for the slave trade.

SEC. 3. *And be it further enacted,* That all and every person so building, fitting out, equipping, loading, or otherwise preparing, or sending away, any ship or vessel, knowing or intending that the same shall be employed in such trade or business, from and after the first day of January, one thousand eight hundred and eight, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay twenty thousand dollars, one moiety thereof to the use of the United States, and the other moiety to the use of any person or persons who shall sue for, and prosecute the same to effect.

Penalties for being engaged in such expeditions.

SEC. 4. *And be it further enacted,* If any citizen or citizens of the United States, or any person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, take on board, receive, or transport, from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of color, in any ship or vessel, for the purpose of selling them in any port or place within the jurisdiction of the United States, as slaves, or to be held to service or labor, or shall be, in any ways, aiding or abetting therein, such citizen or citizens, or person, shall severally forfeit and pay five thousand dollars, one moiety thereof to the use of any person or persons who shall sue for, and prosecute the same to effect; and every such ship or vessel, in which such negro, mulatto, or person of color, shall have been taken on board, received, or transported as aforesaid, her tackle, apparel, and furniture, and

Forfeitures and penalties for importing slaves from Africa.

1807.

the goods and effects which shall be found on board the same, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned, in any of the circuit courts, or district courts in the district where the said ship or vessel may be found or seized. And neither the importer, nor any person or persons claiming from or under him, shall hold any right or title whatsoever to any negro, mulatto, or person of color, nor to the service or labor thereof, who may be imported or brought within the United States, or territories thereof, in violation of this law, but the same shall remain subject to any regulations, not contravening the provisions of this act, which the Legislatures of the several States or territories, at any time hereafter, may make, for disposing of any such negro, mulatto, or person of color.

Slaves imported to remain subject to regulations of the States.

Further penalties to bring slaves into the U. S.

SEC. 5. *And be it further enacted,* That, if any citizen or citizens of the United States, or any other person resident within the jurisdiction of the same, shall, from and after the first day of January, one thousand eight hundred and eight, contrary to the true intent and meaning of this act, take on board any ship or vessel from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of color, with the intent to sell him, her, or them, for a slave, or slaves, or to be held to service or labor, and shall transport the same to any port or place within the jurisdiction of the United States, and there sell such negro, mulatto, or person of color, so transported as aforesaid, for a slave, or to be held to service or labor, every such offender shall be deemed guilty of a high misdemeanor, and being thereof convicted, before any court having competent jurisdiction, shall suffer imprisonment for not more than ten years, nor less than five years, and be fined not exceeding ten thousand dollars, nor less than one thousand dollars.

Penalties for buying slaves from neighboring territories.

SEC. 6. *And be it further enacted,* That, if any person, or persons, whatsoever, shall, from and after the first day of January, one thousand eight hundred and eight, purchase or sell any negro, mulatto, or person of color, for a slave, or to be held to service or labor, who shall have been imported, or brought from any foreign kingdom, place, or country, or from the dominions of any foreign state, immediately adjoining to the United States, into any port or place within the jurisdiction of the United States, after the last day of December, one thousand eight hundred and seven, knowing, at the time of such purchase or sale, such negro, mulatto, or person of color, was so brought within the jurisdiction of the United States, as aforesaid, such purchaser and seller shall severally forfeit and pay, for every negro, mulatto, or person of color, so purchased or sold as aforesaid, eight hundred dollars; one moiety thereof to the United States, and the other moiety to the use of any person or persons who shall sue for, and prosecute the same to effect: *provided,* that the aforesaid forfeiture shall not extend to the seller or purchaser of any negro, mulatto, or person of color, who may be sold or dis-

posed of in virtue of any regulation which may hereafter be made by any of the Legislatures of the several States in that respect, in pursuance of this act, and the Constitution of the United States.

SEC. 7. *And be it further enacted*, That if any ship or vessel shall be found, from and after the first day of January, one thousand eight hundred and eight, in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board any negro, mulatto, or person of color, for the purpose of selling them as slaves, or with intent to land the same, in any port, or place, within the jurisdiction of the United States, contrary to the prohibition of this act, every such ship or vessel, together with her tackle, apparel, and furniture, and the goods or effects which shall be found on board the same, shall be forfeited to the use of the United States, and may be seized, prosecuted, and condemned, in any court of the United States, having jurisdiction thereof. And it shall be lawful for the President of the United States, and he is hereby authorized, should he deem it expedient, to cause any of the armed vessels of the United States to be manned and employed to cruise on any part of the coast of the United States, or territories thereof, where he may judge attempts will be made to violate the provisions of this act, and to instruct and direct the commanders of armed vessels of the United States, to seize, take, and bring into any port of the United States, all such ships or vessels, and moreover to seize, take, and bring into any port of the United States, all ships or vessels of the United States, wheresoever found on the high seas, contravening the provisions of this act, to be proceeded against according to law, and the captain, master, or commander, of every such ship or vessel so found and seized as aforesaid, shall be deemed guilty of a high misdemeanor, and shall be liable to be prosecuted before any court of the United States, having jurisdiction thereof; and being thereof convicted, shall be fined not exceeding ten thousand dollars, and be imprisoned not less than two years, and not exceeding four years. 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 make such seizure, take, or bring the same into port, for condemnation, whether such seizure be made by an armed vessel of the United States, or revenue cutters 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 aforesaid, shall safe keep every negro, mulatto, or person of color, found on board of any ship or vessel so by them seized, taken, or brought into port, for condemnation, and shall deliver every such negro, mulatto, or person of color, to such person or persons as shall be appointed by the

Vessels, having slaves on board, may be seized, prosecuted, and condemned.

Naval force of U. S. may be employed for that purpose.

Commanders to seize and bring into port, all vessels contravening provisions of this act.

Captains of such vessels, if convicted, to be fined and imprisoned.

Proceeds of vessels and effects, to be divided between U. S. and the officers and men.

Every negro to be kept safe, and delivered to persons appointed by the States to receive them.

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If no person appointed to receive, negroes to be delivered to overseers of the poor.

Account to be transmitted to governor.

Slaves not to be transported in vessels under 40 tons burthen, to be disposed of.

Penalties.

Proviso.

Vessels of larger burthen, sailing coastwise, to have the names of the slaves for sale inserted in their papers.

respective States, to receive the same; and if no such person, or persons, shall be appointed by the respective States, they shall deliver every such negro, mulatto, or person of color, to the overseers of the poor of the port or place where such ship or vessel may be brought or found, and shall immediately transmit to the governor or chief magistrate of the State, an account of their proceedings, together with the number of such negroes, mulattoes, or persons of color, and a descriptive list of the same, that he may give directions respecting such negroes, mulattoes, or persons of color.

SEC. 8. *And be it further enacted,* That no captain, master, or commander of any ship, or vessel, of less burthen than forty tons, shall, from and after the first day of January, one thousand eight hundred and eight, take on board, and transport, any negro, mulatto, or person of color, to any port or place whatsoever, for the purpose of selling or disposing of the same as a slave, or with intent that the same may be sold or disposed of, to be held to service, or labor, on penalty of forfeiting for every such negro, mulatto, or person of color, so taken on board and transported, as aforesaid, the sum of eight hundred dollars: one moiety thereof to the use of the United States, and the other moiety to any person, or persons, who shall sue for, and prosecute the same to effect: *provided, however,* That nothing in this section shall extend to prohibit the taking on board, or transporting, on any river, or inland bay of the sea, within the jurisdiction of the United States, any negro, mulatto, or person of color, (not imported contrary to the provisions of this act,) in any vessel or species of craft whatever.

SEC. 9. *And be it further enacted,* That the captain, master, or commander, of any ship or vessel of the burthen of forty tons or more, from and after the first day of January, one thousand eight hundred and eight, sailing coastwise, from any port in the United States, to any port or place within the jurisdiction of the same, having on board any negro, mulatto, or person of color, for the purpose of transporting them to be sold or disposed of as slaves, or to be held to service or labor, shall, previous to the departure of such ship or vessel, make out and subscribe duplicate manifests of every such negro, mulatto, or person of color, on board such ship or vessel, therein specifying the name and sex of each person, their age and stature, as near as may be, and the class to which they respectively belong, whether negro, mulatto, or person of color, with the name and place of residence of every owner or shipper of the same, and shall deliver such manifests to the collector of the port, if there be one, otherwise to the surveyor, before whom the captain, master, or commander, together with the owner, or shipper, shall severally swear or affirm, to the best of their knowledge and belief, that the persons therein specified were not imported, or brought into the United States, from and after the first day of January, one thousand eight hundred and eight, and that, under the laws of the State, they are held to service or labor;

whereupon the said collector or surveyor shall certify the same on the said manifests, one of which he shall return to the said captain, master, or commander, with a permit, specifying thereon the number, names, and general description, of such persons, and authorizing him to proceed to the port of his destination. And if any ship or vessel, being laden and destined as aforesaid, shall depart from the port where she may then be, without the captain, master, or commander, having first made out and subscribed duplicate manifests, of every negro, mulatto, and person of color, on board such ship or vessel, as aforesaid, and without having previously delivered the same to the said collector or surveyor, and obtained a permit, in manner as herein required, or shall, previous to her arrival at the port of her destination, take on board any negro, mulatto, or person of color, other than those specified in the manifests, as aforesaid, every such ship or vessel, together with her tackle, apparel, and furniture, shall be forfeited to the use of the United States, and may be seized, prosecuted, and condemned, in any court of the United States, having jurisdiction thereof; and the captain, master, or commander, of every such ship or vessel, shall moreover forfeit, for every such negro, mulatto, or person of color, so transported, or taken on board, contrary to the provisions of this act, the sum of one thousand dollars, one moiety thereof to the United States, and the other moiety to the use of any person or persons who shall sue for, and prosecute the same to effect.

SEC. 10. *And be it further enacted,* That the captain, master, or commander, of every ship or vessel, of the burthen of forty tons or more, from and after the first day of January, one thousand eight hundred and eight, sailing coastwise, and having on board any negro, mulatto, or person of color, to sell or dispose of as slaves, or to be held to service or labor, and arriving in any port within the jurisdiction of the United States, from any other port within the same, shall, previous to the unloading or putting on shore any of the persons aforesaid, or suffering them to go on shore, deliver to the collector, if there be one, or, if not, to the surveyor, residing at the port of her arrival, the manifest certified by the collector or surveyor of the port from whence she sailed, as is hereinbefore directed, to the truth of which, before such officer, he shall swear, or affirm; and if the collector or surveyor shall be satisfied therewith, he shall thereupon grant a permit for unloading or suffering such negro, mulatto, or person of color, to be put on shore, and if the captain, master, or commander, of any such ship or vessel being laden as aforesaid, shall neglect or refuse to deliver the manifest at the time and in the manner herein directed, or shall land or put on shore any negro, mulatto, or person of color, for the purpose aforesaid, before he shall have delivered his manifest as aforesaid, and obtained a permit for that purpose, every such captain, master, or commander, shall forfeit and pay ten thousand dollars, one moiety thereof to the United States, the other

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Collector to certify manifest.

Penalties for not having manifests.

Vessels to be forfeited to U. S., & captain to forfeit \$1,000 for each negro.

Manifests to be delivered to officers of customs where such slaves carried coastwise are landed.

Permit for unloading to be granted.

Penalty for neglecting to deliver manifest, or landing negro.

1807. moiety to the use of any person or persons who shall sue for, and prosecute the same to effect.

APPROVED, March 2, 1807.

AN ACT in addition to an act, intituled "An act in addition to an act, intituled 'An act supplementary to the act providing for a naval peace establishment, and for other purposes.' "

[Obsolete.]

President authorized to employ 500 additional seamen.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized, in addition to the present naval peace establishment, to employ a number of able seamen, ordinary seamen, and boys, not exceeding five hundred, should the exigency of the public service require the same.

APPROVED, March 3, 1807.

AN ACT authorizing the employment of the land and naval forces of the United States, in cases of insurrections.

President to employ land and naval forces to quell insurrections.

Be it enacted, &c., That in all cases of insurrection, or obstruction to the laws, either of the United States, or of any individual State or territory, where it is lawful for the President of the United States to call forth the militia, for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States, as shall be judged necessary, having first observed all the pre-requisites of the law in that respect.

APPROVED, March 3, 1807.

AN ACT to appropriate money for the providing of an additional number of gun boats.

[Obsolete.]

188 gun boats, be built and equip'd at the discretion of the President.

SEC. 1. *Be it enacted, &c.*, That the President of the United States be, and he hereby is, authorized and empowered to cause to be built, or purchased, armed and equipped, a number not exceeding one hundred and eighty-eight gun boats, for the better protection of the ports and harbors of the United States, and for such other purposes as, in his opinion, the public service may require.

\$852,500 appropriated.

SEC. 2. *And be it further enacted*, That a sum not exceeding eight hundred and fifty-two thousand five hundred dollars, be, and hereby is, appropriated, for this purpose, out of any moneys in the treasury not otherwise appropriated.

APPROVED, December 18, 1807.

AN ACT authorizing the employment of an additional naval force.

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That, in addition to the frigates now employed in actual service, there be fitted out, officered and

manned, as soon as may be, the four following frigates, to wit: *the United States, Essex, John Adams, and President*: and, moreover, the President of the United States is hereby authorized and empowered to equip, man, and employ in actual service, so many of the public armed vessels, now laid up in ordinary, and gun boats, as, in his judgment, the public service may require; and to cause the frigates, and other armed vessels, when prepared for actual service, respectively, to be stationed at such ports and places on the seacoast as he may deem most expedient, or to cruise on any part of the coast* of the United States, or the territories thereof.

1809.

President authorized to man and fit out certain frigates.

Gun boats and other public vessels.

SEC. 2. *And be it further enacted*, That, for the purpose of carrying the foregoing provision into immediate effect, the President of the United States be, and he is hereby, authorized and empowered, in addition to the number of petty officers, able seamen, ordinary seamen, and boys, at present authorized by law, to appoint, and cause to be engaged and employed, as soon as may be, three hundred midshipmen, three thousand six hundred able seamen, ordinary seamen, and boys, who shall be engaged to serve for a period not exceeding two years; † but the President may discharge the same sooner, if, in his judgment, their service may be dispensed with. And to satisfy the necessary expenditures to be incurred therein, a sum, not exceeding four hundred thousand dollars, be, and the same is hereby, appropriated, and shall be paid out of any moneys in the treasury not otherwise appropriated.

President authorized to employ 300 additional midshipmen, and 3,600 seamen and boys.

Enlistments to be for two year; may be sooner discharged.

\$400,000 appropriated.

APPROVED, January 31, 1809.

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

[The 5th section of this act is still in force; the other sections are modified or repealed by act, approved March 3, 1817, "to provide for the prompt settlement of public accounts."]

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, and the Secretary of

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

Accounts to be rendered.

* Repealed, June 28, 1809.

† Amended, May 15, 1820, so as to authorize the enlistment during the continuance of the service or cruise, not to exceed three years.

1809.

Expenditures to be reported to Congress on the 1st of January annually.

President authorized to transfer from one appropriation to another.

Special accounts thereof to be rendered.

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

Annual statement of certain delinquencies to be laid before Congress by the comptroller.

What permanent agents authorized.

To be submitted to the Senate.

President may appoint in recess of the Senate.

War and of the Navy shall, on the first day of January, in each and every year, severally report to Congress a distinct account of the expenditure and application of all such sums of money as may, prior to the thirtieth day of September preceding, have been by them respectively drawn from the treasury in virtue of the appropriation law of the preceding year, and the sums appropriated by law for each branch of expenditure in the several departments shall be solely applied to the objects for which they are respectively appropriated, and to no other: *provided, nevertheless*, that, during the recess of Congress, the President of the United States may, and he is hereby, authorized, on the application of the Secretary of the proper department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion of the moneys appropriated* for a particular branch of expenditure in that department, be applied to another branch of expenditure in the same department; in which case, a special account of the moneys thus transferred, and of their application, shall be laid before Congress during the first week of their next ensuing session.

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 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

* Certain heads of appropriation, from which transfers shall not be made, specified in a supplementary act, approved March 3, 1817. Other heads, to and from which transfers may be made, specified in act of May 1, 1820.

1809.

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: *provided*, that the compensation allowed to either shall not exceed one per centum on the public moneys disbursed by him, nor, in any instance, the compensation allowed by law to the purveyor of public supplies.

Compensation not to exceed one per centum.

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, and the agents appointed by virtue of the preceding section, shall, whenever practicable, keep the public moneys in their hands, in some incorporated bank, to be designated for the purpose by the President of the United States, and 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.

*See acts, Mar. 30, 1812, & Mar. 1, 1817.

To keep the public money in banks.

Make monthly returns of receipts and expenditures

SEC. 5. *And be it further enacted*, That all purchases and contracts for supplies or services which are, or may, according to law, be made by or under the direction of either the Secretary of the Treasury, or the Secretary of War, or the Secretary of the Navy, shall be made either by open purchase, or by previously advertising for proposals respecting the same: and an annual statement of all such contracts and purchases, and also 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.

Purchases and contracts, how to be made.

Annual statements to be laid before Congress.

APPROVED, March 3, 1809.

AN ACT authorizing an augmentation of the marine corps.

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That the President of the United States shall be, and he is hereby, authorized to cause the marine corps, in the service of the United States, to be augmented, by the appointment and enlistment of not exceeding one major, two captains, two first lieutenants, one hundred and eighty-five corporals, and five hundred and ninety-four privates, who shall be respectively allowed the same pay, bounty, clothing, and rations, and shall be employed under the same rules and regulations, to which the said marine corps are, or shall, be entitled and subject.

Augmentation of the marine corps authorized.

SEC. 2. *And be it further enacted*, That, from and after the passage of this act, all enlistments in the said corps shall be for

Term of establishments.

1810. the term of five years, unless sooner discharged, any law to the contrary notwithstanding.

APPROVED, March 3, 1809.

AN ACT concerning the naval establishment.

[Obsolete.]

President authorized to discharge frigates and armed vessels.

SEC. 1. *Be it enacted, &c.*, That the President of the United States, in the event of a favorable change in our foreign relations, be, and he is hereby, authorized to cause to be discharged from actual service, and laid up in ordinary, such of the frigates and public armed vessels as, in his judgment, a due regard to the public security and interest may permit.

Repeal of act increasing naval force.

SEC. 2. *And be it further enacted*, That so much of the first section of an act, entitled "An act to authorize the employment of an additional naval force," passed at the last session of Congress, as requires the public armed vessels to be stationed at such ports and places on the seacoast, or cruise on the seacoast of the United States, and territories thereof, be, and the same is hereby, repealed.

APPROVED, June 28, 1809.

AN ACT making an appropriation for the purpose of trying the practical use of the torpedo, or sub-marine explosion.

[Obsolete.]

\$5,000 appropriated.

Be it enacted, &c., That a sum not exceeding five thousand dollars be, and the same is hereby, appropriated, payable out of any money in the treasury not otherwise appropriated, to defray the expense which shall be incurred in any actual experiments, when the President of the United States shall deem it expedient to cause such experiments to be made, which shall be made under the immediate direction of the Secretary of the Navy, for the purpose of ascertaining with precision how far the torpedo, or sub-marine explosions, may be usefully employed as engines of war, who is hereby directed to report to Congress the result of the experiment with his opinion thereon.

APPROVED, March 30, 1810.

AN ACT establishing navy hospitals.

[Altered and amended by act, approved July 10, 1832.]

Secretaries of navy, treasury, and war, made board of commissioners

SEC. 1. *Be it enacted, &c.*, 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.

SEC. 2. *And be it further enacted*, That all fines imposed on navy officers, seamen, and marines, shall be paid to the commissioners of navy hospitals. 1811.
Fines to be paid to them.

SEC. 3. *And be it further enacted*, 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 decrepid navy officers, seamen, and marines. Commissioners to procure sites, at suitable places, for navy hospitals
Asylum for disabled officers and seamen.

SEC. 4. *And be it further enacted*, 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. Secretary of navy to prepare necessary rules for the government of the hospitals.

SEC. 5. *And be it further enacted*, 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. Allowance from the wages and pensions of invalids to be paid to commissioners.

APPROVED, February 26, 1811.

AN ACT concerning the naval establishment.

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized and empowered to cause to be immediately repaired, equipped, and put into actual service, the frigates Chesapeake, Constellation, and Adams; and that a sum not exceeding three hundred thousand dollars be, and is hereby, appropriated for that purpose. Certain frigates to be repaired & put into commission.
Appropriation.

SEC. 2. *And be it further enacted*, That the officers and seamen of the navy may be increased, so far as may be necessary to officer, man, and equip the vessels so to be put into service, any law to the contrary notwithstanding. Officers of the navy to be increased accordingly.

SEC. 3. *And be it further enacted*, That the sum of two hundred thousand dollars, annually, for three years, viz: one thousand eight hundred and twelve, one thousand eight hundred and thirteen, and one thousand eight hundred and fourteen, be appropriated, towards the purchase and supply of a stock of every description of timber required for ship building, and other navy purposes; and that the first appropriation there- \$200,000 annually, for three yrs, appropriated for the purchase of materials adapted to the rebuilding and repair of certain frigates.

1812.

of be made in the purchase of timber suitable for rebuilding the frigates Philadelphia, General Greene, New York, and Boston.

How the sums appropriated are to be paid.

SEC. 4. *And be it further enacted*, That the sums herein specifically appropriated shall be paid out of any moneys in the treasury not otherwise appropriated.

Gun boats to be distributed to be used as circumstances may require.

SEC. 5. *And be it further enacted*, That, as soon as it shall be deemed compatible with the good of the public service, the gun boats now in commission be laid up, and, with those not in commission, be distributed in the several harbors of the maritime frontier which are most exposed to attack, to be carefully kept and used as circumstances may require.

Pursers to be appointed by the President, with the approbation of the Senate.

SEC. 6. *And be it further enacted*, That the pursers in the navy of the United States shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and that, from and after the first day of May next, no person shall act in the character of purser, who shall not have been thus first nominated and appointed, excepting pursers on distant service, who shall not remain in service after the first day of July next, unless nominated and appointed as aforesaid. And every purser, before entering upon the duties of his office, shall give bond, with two or more sufficient sureties, in the penalty of ten thousand dollars,* conditioned faithfully to perform all the duties of purser in the navy of the United States.

Pursers to give bond for \$10,000.

APPROVED, March 30, 1812.

AN ACT concerning letters of marque, prizes, and prize goods.

Two per cent. on sale of prizes to be reserved.

SEC. 17. *And be it further enacted*, That two per centum on the net amount (after deducting all charges and expenditures) of the prize money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and cargoes recaptured by the private armed vessels of the United States, shall be secured and paid over to the collector, or other chief officer of the customs, at the port or place in the United States at which such captured or re-captured vessels may arrive; or to the consul, or other public agent, of the United States, residing at the port or place, not within the United States, at which such captured or re-captured vessels may arrive. And the moneys arising therefrom shall be held, and hereby is pledged, by the Government of the United States as a fund for the support and maintenance of the widows and orphans of such persons as may be slain; and for the support and maintenance of such persons as may be wounded and disabled on board of the private armed vessels of the United States, in any engagement with the enemy, to be assigned and distributed in such manner as shall hereafter by law be provided. †

To be invested for the maintenance of wounded persons, and widows and orphans.

APPROVED, June 26, 1812.

* Bond increased to \$25,000 by act, approved March 1, 1817.

† See acts, approved Feb. 13, 1813, Aug. 2, 1813, and March 4, 1814.

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That the President of the United States shall be, and he hereby is, authorized, as soon as suitable materials can be procured therefor, to cause to be built, equipped, and employed, four ships, to rate not less than seventy-four guns, and six ships, to rate forty-four guns each.

Four 74's and six 44's to be built & equipped.

SEC. 2. *And be it further enacted*, That there shall be employed on board each of the said ships of seventy-four guns each, one captain, six lieutenants, one captain, one first lieutenant, and one second lieutenant of marines, one surgeon, one chaplain, one purser, and three surgeon's mates.

Complement of officers on board the seventy-fours

SEC. 3. *And be it further enacted*, That there shall be employed in each of the said ships, carrying seventy-four guns, the following warrant officers, who shall be appointed by the President of the United States: one master, one second master, three master's mates, one boatswain, one gunner, one carpenter, one sailmaker, and twenty midshipmen; and the following petty officers, who shall be appointed by the captains of the ships respectively in which they are to be employed, viz: one armorer, six boatswain's mates, three gunner's mates, two carpenter's mates, one sailmaker's mate, one cooper, one steward, one master-at-arms, one cook, one cockswain, one boatwain's yeoman, one gunner's yeoman, one carpenter's yeoman, ten quarter gunners, eight quartermasters, and one clerk; and one schoolmaster, also to be appointed by the captain.

Warrant officers on board the same.

SEC. 4. *And be it further enacted*, That the crews of each of the said ships, of seventy-four guns, shall consist of two hundred able seamen, three hundred ordinary seamen and boys, three sergeants, three corporals, one drummer, one fifer, and sixty marines.

Complements of men on board the seventy-four gun ships.

SEC. 5. *And be it further enacted*, That the pay of the schoolmaster shall be twenty-five dollars per month, and two rations per day.

Pay of the school master.

SEC. 6. *And be it further enacted*, That the sum of two millions five hundred thousand dollars be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the building and equipping of the aforesaid ships of war.

\$2,500,000 appropriated.

APPROVED, January 2, 1813.

AN ACT providing for navy pensions in certain cases.

[Renewed for the further term of five years, by act of April 16, 1818.]

Be it enacted, &c., That, if any officer* of the navy or marines shall be killed or die, by reason of a wound received in the line of his duty, leaving a widow, or, if no widow, a child or children, under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half

Widows, etc., of officers of the navy and marines to be placed, in certain cases, on the navy pension list.

* Extended to the widows and orphans of seamen and marines, by act approved March 4, 1814.

1813.

Pension to cease upon death or intermarriage.

the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for and during the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder shall go to the child or children of the said deceased officer: *provided*, that such half pay shall cease on the death of such child or children: and the money required for this purpose shall be paid out of the navy pension fund, under the direction of the commissioners of that fund.

APPROVED, January 20, 1813.

AN ACT regulating pensions to persons on board private armed ships.

[See act of Aug. 2, 1813.]

The two per cent. reserved in the hands of the collectors and consuls, to be paid into the treasury, to constitute a fund for certain purposes.

SEC. 1. *Be it enacted, &c.*, That the two per centum, reserved in the hands of the collectors and consuls by the act of June, eighteen hundred and twelve, entitled "An act concerning letters of marque, prizes, and prize goods," shall be paid to the treasury, under the like regulations provided for other public money, and shall constitute a fund for the purposes provided for by the seventeenth section of the beforementioned act.

Secretary of the navy to place certain persons on the pension list.

SEC. 2. *And be it further enacted*, That the Secretary of the Navy be authorized and required to place on the pension list, under the like regulations and restrictions as are used in relation to the navy of the United States, any officer, seaman, or marine, who, on board of any private armed ship or vessel, bearing a commission of letter of marque, shall have been wounded, or otherwise disabled, in any engagement with the enemy; allowing to the captain a sum not exceeding twenty dollars per month; to lieutenants and sailing master, a sum not exceeding twelve dollars each per month; to marine officer; boatswain, gunner, carpenter, master's mate, and prize-masters, a sum not exceeding ten dollars each per month; to all other officers, a sum not exceeding eight dollars each per month, for the highest rate of disability, and so in proportion; and to a seaman, or acting as a marine, the sum of six dollars per month, for the highest rate of disability, and so in proportion; which several pensions shall be paid, by direction of the Secretary of the Navy, out of the fund above provided, and from no other.

Commanding officers to enter the names, etc., of wounded persons in a journal.

SEC. 3. *And be it further enacted*, That the commanding officer of every vessel having a commission, or letters of marque and reprisal, shall enter in his journal the name and rank of any officer, and the name of any seaman, who, during his cruise, shall have been wounded or disabled as aforesaid, describing the manner and extent, as far as practicable, of such wound or disability.

Collectors to transmit a transcript of such journals to the secretary of the navy.

SEC. 4. *And be it further enacted*, That every collector shall transmit, quarterly, to the Secretary of the Navy, a transcript of such journals as may have been reported to him, so far as it gives a list of the officers and crew, and the description of

wounds and disabilities, the better to enable the Secretary to 1813.
decide on claims for pensions.

[Pensions granted to the widows and orphans of those killed, by act approved March 4, 1814.]

APPROVED, February 13, 1813.

AN ACT supplementary to the act for increasing the navy.

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That the President be, and he is hereby, authorized to have built six sloops of war, and to have the same manned, equipped, and commissioned for service; and that the President be authorized to have built, or procured, such a number of sloops of war, or other armed vessels, to be manned, equipped, and commissioned, as the public service may require, on the lakes.

Six sloops of war to be built, manned, and equipped for service.

Vessels also to be prepared for the lakes.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to appoint such officers, and to employ the number of seamen, which may be necessary for such vessels as are authorized by law to be put in commission, any law to the contrary notwithstanding.

Officers to be appointed.

SEC. 3. *And be it further enacted*, That, for the building or procuring said vessels, and for the payment of two hundred thousand dollars for vessels already procured on the lakes, by direction of the President, the sum of nine hundred thousand dollars, out of any money in the treasury not otherwise appropriated, be, and the same is hereby, appropriated.

\$900,000 appropriated.

SEC. 4. *And be it further enacted*, That the sum of one hundred thousand dollars be appropriated for the purpose of establishing a dock yard, for repairing the vessels of war, in such central and convenient place on the seaboard as the President of the United States shall designate.

\$100,000 appropriated for a dock yard.

SEC. 5. *And be it further enacted*, That the President be, and he is hereby, authorized to contract for the building of any of the six forty-four gun ships authorized by law: *provided*, that the building be under inspection of an agent appointed by the Secretary of the Navy.

President may contract for building any of the 44 gun ships. The same to be under the inspection of an agent.

SEC. 6. *And be it further enacted*, That the President of the United States be authorized to sell, or dispose of, such and so many of the gun boats belonging to the United States, as may have become unfit for service, or as, in his judgment, may no longer be necessary to be retained by the Government.

Sale of gun boats authorized.

APPROVED, March 3, 1813.

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

SEC. 1. *Be it enacted, &c.*, That, from and after the termination of the war in which the United States are now engaged with Great Britain, it shall not be 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.

After the war, citizens of U. S. only to be employed in the public or private service of the United States.

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Naturalized citizens, how they may be employed

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, 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.

Lists of the crews to be furnished & certified previously to the sailing of vessels on foreign voyages.

SEC. 3. *And be it further enacted*, That, in all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew, made as heretofore directed by law, shall be examined by the collector for the district from which the vessel shall clear out, and, if approved of by him, shall be certified accordingly. And no person shall be admitted or employed as aforesaid, on board of any vessel aforesaid, unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear out as aforesaid. And the said collector, before he delivers the list of the crew, approved and certified as aforesaid, to the captain, master, or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book, by him for that purpose to be provided, and the said record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise, under any of the provisions of this act.

Lists to be recorded in a book.

Certified copy evidence in court.

Supplemental directions may be given by the President with respect to seamen employed in the U. S.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized, from time to time, to make such further regulations, and to give such directions to the several commanders of public vessels, and to the several collectors, as may be proper and necessary respecting the proofs of citizenship, to be exhibited to the commanders or collectors aforesaid: *provided*, that nothing contained in such regulations, or directions, shall be repugnant to any of the provisions of this act.

Proviso.

Seamen or seafaring persons only admitted as passengers in American vessels upon certain conditions.

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.

Interference of consuls and commercial agents admissible in certain cases.

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.

Consuls may be present when the proofs of citizenship are investigated.

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.

Penalty for admitting persons not qualified according to this act into the service of the U. States.

SEC. 8. *And be it further enacted*, That if any person shall, contrary to the prohibitions of this act, be employed, or be received, on board of any private vessel, the master or commander, and the owner or owners, of such vessel, knowing thereof, shall respectively forfeit and pay five hundred dollars for each person thus unlawfully employed or received in any one voyage; which sum, or sums, shall be recovered, although such seaman or person shall have been admitted and entered in the certified list of the crew aforesaid, by the collector for the district to which the vessel may belong: and all penalties and forfeitures arising under, or incurred by virtue of, this act, may be sued for, prosecuted, and recovered, with costs of suit by action of debt, and shall accrue and be, one moiety thereof to the use of the person who shall sue for the same, and the other moiety thereof to the use of the United States.

Masters & owners of private vessels to forfeit \$500.

Penalties to be recovered by action of debt.

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.

Foreign seamen may be employed in American vessels in foreign ports. Conditions.

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.

Provisions of this act not to be extended to the citizens or subjects of nations which have not adopted its principles.

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.

Nor to be a bar to any treaty.

1813.

Residence of five years in U. S. necessary to qualify a person to become a citizen.

SEC. 12. *And be it further enacted*, That no person, who shall arrive in the United States, from and after the time when this act shall take effect, shall be admitted to become a citizen of the United States, who shall not, for the continued term of five years next preceding his admission as aforesaid, have resided within the United States, without being at any time, during the said five years, out of the territory of the United States.

Penalty for forging certificates of citizenship or protections.

SEC. 13. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, any certificate, or evidence of citizenship, referred to in this act; or shall pass, utter, or use as true, any false, forged, or counterfeited certificate of citizenship, or shall make sale, or dispose of, any certificate of citizenship to any person other than the person for whom it was originally issued, and to whom it may of right belong, every such person shall be deemed and adjudged guilty of felony; and on being thereof convicted, by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a period not less than three, or more than five, years, or be fined in a sum not less than five hundred dollars, nor more than one thousand dollars, at the discretion of the court taking cognizance thereof.

No suit for any forfeiture under this act, unless commenced in 3 years.

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.

AN ACT authorizing the President of the United States to cause to be built barges for the defence of the ports and harbors of the United States.

[Repealed, Feb. 27, 1815.]

President cause to be built a number of barges for the protection of the ports and harbors of the U. S.

SEC. 1. *Be it enacted, &c.*, That, for the protection of the ports and harbors of the United States, the President shall cause to be built, without delay, such number of barges as he may deem necessary, to be armed, equipped, and manned, as he may direct, of a size not less than forty-five feet long, and capable of carrying heavy guns.

\$250,000 appropriated for the purpose.

SEC. 2. *And be it further enacted*, That, for the purpose aforesaid, the sum of two hundred and fifty thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, July 5, 1813.

AN ACT providing for the further defence of the ports and harbors of the United States.

[Obsolete.]

President may cause hulks to be sunk for greater security of ports and harbors.

SEC. 1. *Be it enacted, &c.*, That the President be, and he is hereby, authorized, whenever the same shall be deemed necessary for the defence and security of any of the ports and harbors of the United States, to cause to be hired, or purchased, hulks, or other means of impediment to the entrance of the ships or vessels of the enemy, to be sunk with the consent of

the proper authority of the State in which such port or harbor may be, and the same to be removed whenever, in his opinion, it may be done with safety to such ports or harbors.

1814.

SEC. 2. *And be it further enacted*, That, to defray any expense which may be incurred under this act, the sum of two hundred and fifty thousand dollars be, and the same is hereby, appropriated, to be paid out of any moneys in the treasury not otherwise appropriated. \$250,000 appropriated.

APPROVED, July 16, 1813.

AN ACT to amend and explain the act regulating pensions to persons on board private armed ships.

Be it enacted, &c., That the act, regulating pensions to persons on board private armed ships, shall be construed to authorize the Secretary of the Navy to place on the pension list, under the restrictions and regulations of the said act, any officer, seaman, or marine, belonging to any private armed ship or vessel of the United States, bearing a commission of letter of marque, who shall have been wounded, or otherwise disabled, in the line of their duty as officers, seamen, or marines, of such private armed ship or vessel.

Construction of a former act regulating pensions, &c.

APPROVED, August 2, 1813.

AN ACT giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States.

[Pensions granted under this act, renewed for the further term of five years, by act of April 16, 1818; and its provisions extended so as to embrace the widows, &c., of those who may have died in consequence of accident or casualty.]

SEC. 1. *Be it enacted, &c.*, That if any officer, seaman, or marine, serving on board of any private armed ship or vessel, bearing a commission of letter of marque, shall die, or shall have died since the 18th day of June, in the year of our Lord 1812, by reason of a wound received in the line of his duty, leaving a widow, or, if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children, shall be placed on the pension list by the Secretary of the Navy, who shall allow to such widow, child, or children, half the monthly pension to which the rank of the deceased would have entitled him for the highest rate of disability, under "An act regulating pensions to persons on board private armed ships;" which allowance shall continue for the term of five years; but in case of the death or intermarriage of such widow before the expiration of the term of five years, the half pay for the remainder of the term shall go to the child or children of the deceased: *provided*, that the half pay shall cease on the death of such child or children. And the several pensions, hereby directed, shall be paid by direction of the Secretary of the Navy, out of the fund provided by the 17th section of an act, entitled "An act concerning letters of marque, prizes, and prize goods;" and from no other.

Officers, seamen, or marines, on board private armed vessels dying, or having died, &c. by reason of wounds, their widows or children to be placed on the pension list, &c. at half the monthly pension to which the rank of the deceased would have entitled him under the act mentioned, for five years.

In case of the death or intermarriage of the widow, before, &c. the pension to go to the children.

The pensions hereby directed to be paid out of the fund provided by the 17th section of the act mentioned.

Any seaman or marine of the navy dying, &c. or any officer of the navy having died

SEC. 2. *And be it further enacted*, That if any seaman, or ma-

1814. rine, belonging to the navy of the United States shall die, or if any

&c. by reason of wounds &c. their widows or children to receive half the monthly pay, &c. for five years.

officer, seaman, or marine, belonging to the navy of the United States, shall have died since the 18th day of June, in the year of our Lord 1812, by reason of a wound received in the line of his duty, leaving a widow, or, if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder of the term shall go to the child or children of the deceased: *provided*, that such half pay shall cease on the death of such child or children. And the money required for this purpose shall be paid out of the navy pension fund under the direction of the commissioners of that fund.

If the widow dies or marries, before, &c. the half pay to go to the children.

The money to be paid out of the navy pension fund, &c.

APPROVED, March 4, 1814.

AN ACT authorizing the President of the United States to cause to be built, equipped, and employed, one or more floating batteries, for the defence of the waters of the United States.

[Obsolete.]

\$500,000 appropriated for building, equipping, &c. one or more floating batteries, &c.

Be it enacted, &c., That the sum of five hundred thousand dollars be, and the same is hereby, appropriated, for the purpose of building, equipping, and putting into service, one or more floating batteries, of such magnitude and construction as shall appear to the President of the United States best adapted to attack, repel, or destroy, any of the ships of the enemy which may approach the shores, or enter the waters, of the United States, and that the sum hereby appropriated shall be paid out of any moneys in the treasury not otherwise appropriated.

APPROVED, March 9, 1814.

AN ACT authorizing the appointment of certain officers for the flotilla service. [Repealed, Feb. 27, 1815.]

The president and senate authorized to appoint four captains and twelve lieutenants, to be employed in the flotilla service.

SEC. 1. *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint four captains and twelve lieutenants, to be employed in the flotilla service of the United States, without rank in the navy, but with the same relative rank and authority in the flotilla service as officers of the same grade are entitled to in the navy of the United States.

Pay and subsistence of the captains and lieutenants; who are to be governed by the rules provided for the navy.

SEC. 2. *And be it further enacted*, That the said captains shall receive the pay and subsistence of a captain in the navy, commanding a ship of twenty and under thirty-two guns, and the lieutenants the same pay and subsistence as officers of the same rank are entitled to in the navy of the United States, and shall be governed by the rules and regulations provided for the government of the navy.

The President may appoint any

SEC. 3. *And be it further enacted*, That it shall be lawful for the President of the United States to appoint, in the recess

of the Senate, any of the officers authorized by this act, which appointments shall be submitted to the Senate at their next session.

1814.

of the officers
authorized, &c.,
in the recess.

APPROVED, April 16, 1814.

AN ACT authorizing an augmentation of the marine corps, and for other purposes.

[Altered by subsequent laws, changing the organization of the corps.]

SEC. 1. *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized to cause the marine corps, in the service of the United States, to be augmented, by the appointment and enlistment of not exceeding one major, fourteen captains, twelve first lieutenants, twenty second lieutenants, sixty-one sergeants, forty-two drums and fifes, and six hundred and ninety-six privates, who shall be respectively allowed the same pay, bounty, clothing, and rations, and shall be employed under the same rules and regulations, to which the said marine corps are, or shall be, entitled and subject.

Marine corps to
be augmented.

SEC. 2. *And be it further enacted*, That the adjutant, paymaster, and quartermaster, of the marine corps, may be taken either from the line of captains or subalterns, and the said officers shall respectively receive thirty dollars per month, in addition to their pay in the line, in full of all emoluments.

The staff to be
taken from the
captains or sub-
alterns. Their
pay.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to confer brevet rank on such officers of the marine corps 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 stations or detachments, when they shall be entitled to, and receive, the same pay and emoluments, which officers of the same grades are now, or hereafter may be, allowed by law.

President may
confer brevet
rank in certain
cases.

Proviso.

SEC. 4. *And be it further enacted*, That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint any of the officers authorized by this act; which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

President may
appoint the officers
in the recess
of the Senate.

SEC. 5. *And be it further enacted*, That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint all or any of the officers of the navy authorized by existing laws; which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

And of the navy.

APPROVED, April 16, 1814.

* So much of this section as authorizes brevet rank for ten years service, repealed June 30, 1834.

1814. AN ACT granting pensions to the officers and seamen serving on board the revenue cutters, in certain cases.

Officers and seamen of the revenue cutters, disabled, &c. to be placed on the 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.

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.

[Completed.]

Secretaries of war and navy to collect all flags, &c.

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.

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

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.

\$500 appropriated.

SEC. 3. *And be it further enacted*, That the sum of five hundred dollars be, and the same is hereby, appropriated, for the above purposes, out of any moneys in the treasury not otherwise appropriated.

APPROVED, April 18, 1814.

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

[The pay of all commissioned officers except pursers, and of all warrant officers, changed by subsequent acts. Sec. 2 repealed Feb. 22, 1817.]

Pay, &c. of commissioned and warrant officers.

SEC. 1. *Be it enacted, &c.*, That the pay and subsistence of the respective commissioned and warrant officers be as follows: a lieutenant, other than a master commandant, or lieutenant commanding a small vessel, forty dollars per month and three rations per day; a chaplain, forty dollars per month and two rations per day; a sailing master, forty dollars per month and two rations per day; a surgeon, fifty dollars per month and two rations per day; a surgeon's mate, thirty dollars per month and two rations per day; a purser, forty dollars per month and two rations per day; a boatswain, twenty dollars per month and two rations per day; a gunner, twenty dollars per month and two rations per day; a sailmaker, twenty dollars per month and two rations per day; and that the pay to be allowed to the

petty officers and midshipmen, 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. 1815.
Pay and bounty to seamen. The whole sum not to exceed amount appropriated in any year.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to make an addition, not exceeding twenty-five per cent., to the pay of the officers, petty officers, midshipmen, seamen, and marines, engaged in any service, the hardships or disadvantages of which shall, in his judgment, render such an addition necessary. Augmentation of pay in certain cases.

APPROVED, April 18, 1814.

N. B.—This act does not fix the pay of *carpenters*; but by an act, approved July 1, 1797, they are allowed the same pay and rations as boatswains, gunners, and sailmakers, and they have always received the same.

AN ACT authorizing the President of the United States to cause to be built, or purchased, the vessels therein described.

[Repealed, Feb. 27, 1815.]

SEC. 1. *Be it enacted, &c.*, That, in addition to the present naval establishment, the President of the United States be, and he is hereby, authorized to cause to be built, or purchased, manned, equipped, and officered, any number of vessels, not exceeding twenty, which, in his opinion, the public service may require, to carry not less than eight, nor more than sixteen, guns each. The President authorized to cause to be built or purchased &c. not exceeding 20 vessels, to carry from 8 to 16 guns.

SEC. 2. *And be it further enacted*, That, for the building, or purchase, and equipping, of these vessels, the sum of six hundred thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated. \$600,000 appropriated for procuring and equipping the vessels.

APPROVED, November 15, 1814.

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 Officers of the staff of the army to provide officers, seamen, and marines, of the navy, when acting on shore with land troops, upon requisition &c. with rations and camp equipage.

1815. transportation, as well for the men as for their baggage, provisions, 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.

Proviso; the contract price of the rations to be reimbursed.

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

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.

AN ACT to alter and amend the several acts for establishing a navy department, by adding thereto a board of commissioners.

The President to appoint three navy officers, who are to constitute a board of commissioners for the navy.

SEC. 1. *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint three officers of the navy, whose rank shall not be below a post captain, who shall constitute a board of commissioners for the navy of the United States, and shall have power to adopt such rules and regulations for the government of their meetings as they may judge expedient: and the board, so constituted, shall be attached to the office of the Secretary of the Navy, and, under his superintendence, shall discharge all the ministerial duties of said office, 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. And the said board shall appoint their own secretary, who shall receive, in compensation for his services, a sum not exceeding two thousand dollars per annum, who shall keep a fair record of their proceedings, subject at all times to the inspection of the President of the United States, and the Secretary of the Navy.

Powers and duties of the board.

The board to appoint their secretary: his salary not to exceed \$2,000 per annum, &c.

[The board also appoints its own clerks, under the act of 20th April, 1818.]

The board to prepare rules and regulations for securing uniformity in the several classes of vessels.

SEC. 2. *And be it further enacted*, That the said board of commissioners, by and with the consent of the Secretary of the Navy, be, and are hereby, authorized to prepare such rules and regulations as shall be necessary for securing an uniformity in the several classes of vessels, and their equipments, and for repairing and refitting them, and for securing responsibility in the subordinate officers and agents; which regulations, when approved by the President of the United States, shall be respected and obeyed, until altered and revoked by the same authority; and the said rules and regulations, thus prepared and approved, shall be laid before Congress at their next session. It shall also be the duty of said board, upon the requisition of the Secretary of the Navy, to furnish all the estimates of expenditure which the several branches of the service may require, and such other information and statements as he may deem necessary.

The board to furnish estimates, &c.

The officer holding the oldest

SEC. 3. *And be it further enacted*, That the officer of the said board, holding the oldest commission, shall preside, and

each commissioner shall be entitled to receive, in compensation for his services, three thousand five hundred dollars per annum, in lieu of wages, rations, and other emoluments, as naval officers; and all letters and packets, to and from the said commissioners, which relate to their official duties, shall be free from postage.

1815.

commission to
preside; and each
commissioner to
receive \$3,500
per annum.
Letters, &c. free.

SEC. 4. *And be it further enacted*, That nothing in this act shall be construed to take from the Secretary of the Navy his control and direction of the naval forces of the United States, as now by law possessed.

Nothing in this
act to take from
the Secretary his
control, &c. of
the naval forces.

APPROVED, February 7, 1815.

AN ACT to repeal certain acts concerning the flotilla service, and for other purposes.

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That, from and after the first day of April next, the act, entitled "An act authorizing the President of the United States to cause to be built barges for the defence of the ports and harbors of the United States," passed the fifth day of July, in the year one thousand eight hundred and thirteen; also an act, entitled "An act authorizing the appointment of certain officers for the flotilla service," passed the sixteenth day of April, in the year one thousand eight hundred and fourteen, shall be repealed and cease to be in force.

An act concern-
ing barges, and
an act authoriz-
ing the appoint-
ment of officers
for the flotilla
service, repealed.

SEC. 2. *And be it further enacted*, That the barges, and other vessels, composing the flotilla establishment, (they being first divested of their guns and military stores, which are to be carefully preserved,) shall be sold, or laid up, under the direction of the President of the United States, and the moneys arising therefrom paid into the treasury thereof.

Barges and other
vessels of the flo-
tilla to be sold or
laid up, &c.

SEC. 3. *And be it further enacted*, That all the commissioned and warrant officers, and all the privates, who shall be discharged in consequence of the repeal of the acts aforesaid, shall be entitled to receive four months' pay, over and above what may be due to them, respectively, at the time of their discharge.

Officers and pri-
vates discharged
to receive four
months pay, over
and above, &c.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to cause all the armed vessels thereof on the lakes, except such as he may deem necessary to enforce the proper execution of the revenue laws, to be sold, or laid up, as he may judge most conducive to the public interest; such vessels being first divested of their armament, tackle, and furniture, which are to be carefully preserved.

The President
authorized to
cause the armed
vessels on the
lakes to be sold
or laid up, ex-
cept, &c.

SEC. 5. *And be it further enacted*, That the act, entitled "An act authorizing the President of the United States to cause to be built, or purchased, the vessels therein mentioned," passed the fifteenth day of November, in the year one thousand eight hundred and fourteen, be, and the same is hereby, repealed; and the President of the United States is hereby authorized to cause to be sold such of the vessels acquired under

An act authoriz-
ing the purchase
or building of
vessels, repealed.

Vessels acquired
under the act
may be sold, &c.

1815. the said act as he may deem inexpedient to be retained in the public service; and to cause the money arising therefrom to be paid into the public treasury.

The President authorized to cause gunboats to be sold.

Warrant officers and privates discharged, &c. entitled to four months' pay, over and above, &c.

SEC. 6. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause to be sold, they being first divested of their guns and military stores, which are to be carefully preserved, such and so many of the gunboats belonging to the United States, as, in his judgment, may no longer be necessary to be retained for the public service; and such of the warrant officers and privates, as may be discharged in consequence of such sale, shall be entitled to receive four months' pay, over and above what may be due to them at the time of their discharge.

APPROVED, February 27, 1815.

AN ACT concerning the naval establishment.

\$200,000 appropriated annually, for three years, towards the purchase and supply of a stock of every description of timber.

Be it enacted, &c., That, in addition to the sums heretofore appropriated for that purpose, the sum of two hundred thousand dollars* be, and the same is hereby, appropriated, annually, for three years, towards the purchase and supply of a stock of every description of timber, required for ship building, and other naval purposes, to be paid out of any moneys in the treasury, not otherwise appropriated.

APPROVED, March 3, 1815.

AN ACT in addition to an act, entitled "An act in relation to the navy pension fund."

Proceeds of sales of prizes captured by public armed ships, to be paid by the marshal into the registry of the court within thirty days, and the clerk immediately to deposit the same in some bank, to be designated by the judges of the court.

When the prizes are condemned, the court is to direct the share of the United States to be carried to the credit of the Treasurer, &c.

SEC. 1. *Be it enacted, &c.*, That, in all cases of prizes, captured by the public armed ships of the United States, which shall be sold under the order of the proper prize court, interlocutory or final decree, it shall be the duty of the marshal of the United States, making the sale, to pay the proceeds thereof into the registry of the proper court, within thirty days after such sale shall be made and closed; and, immediately upon the payment into the registry of the proceeds as aforesaid, it shall be the duty of the clerk of the court to deposit the same in some bank, to be designated by the judge or judges of the court, subject to the order and distribution of the court as in other cases; and when the said prizes shall have been duly condemned, it shall be the duty of the court to direct the share of such prizes, belonging to the United States, to be forthwith carried, in the account with such bank, to the credit of the Treasurer of the United States on account of the navy pension fund; and copies of the certificate of such deposit and credit shall be thereupon transmitted to the Treasurer of the United States and to

* This sum, or the unexpended balance thereof, included in the act, approved April 29, 1816, appropriating \$1,000,000 annually, for eight years, for the gradual increase of the navy.

the Secretary of the Navy, as soon as may be, by the clerk of such court; and the share of such prizes belonging to the captors, deposited as aforesaid, shall be paid over to the parties entitled, or to their authorized agent, or agents, upon the order of the proper court in term, or of the judge or judges of such court in vacation. 1816.

The share of the captors to be paid over upon the order of the court or judge.

SEC. 2. *And be it further enacted*, That it shall be the duty of the marshals of the several districts of the United States, and of the clerks of the respective courts of the United States, to state and settle their respective accounts, in all cases of prizes captured as aforesaid, specifying therein all costs and charges taxed, claimed, and paid, by them, and to submit the same to the proper court having cognizance thereof, for examination and allowance, within sixty days after a final adjudication of such causes, unless a different time shall be assigned by such court; and thereupon, such courts in term, or any judge thereof in vacation, may proceed summarily to hear, examine, and allow, the same accounts; and, after such allowance, one copy of the same accounts shall be filed among the records of the court, and another copy shall be transmitted, by the clerk of the court, to the Secretary of the Navy, within thirty days after the allowance thereof.

Marshals and clerks to settle their accounts in prize cases within 60 days after final adjudication unless the court assigns a different time.

The courts in term, or judges in vacation, may summarily examine and allow the accounts, a copy of which is to be filed, and one sent to the Secretary of the Navy.

SEC. 3. *And be it further enacted*, That it shall be the duty of the district attorneys, of the respective districts of the United States, to transmit to the Secretary of the Navy a statement of all prizes captured as aforesaid, which shall be libelled, condemned, or restored, at each term of the district and circuit courts, within their respective districts, as soon as may be, after the conclusion of each term, and to accompany such list with a schedule and invoice of the various articles composing the cargoes of such prizes.

District Attorneys to transmit to the Secretary of the Navy a statement of prizes captured, condemned or restored.

SEC. 4. *And be it further enacted*, That the respective courts of the United States, before whom a libel against any prizes captured, as aforesaid shall be pending, or by whom a decree of condemnation and distribution of such prizes shall have been awarded, shall have full power and authority, in the exercise of their admiralty and maritime jurisdiction, to issue a monition, and other proper process, to compel the marshal and clerk to perform and obey the requisitions of this act; and upon the complaint of the United States, or any person interested in the premises, summarily to hear and examine the same, and to make such award, order, and decree, therein, as to justice and law shall appertain. And if the marshal or clerk shall wilfully refuse, or unreasonably neglect, to perform and obey any of the requisitions of this act, the party so refusing, or neglecting, shall further forfeit and pay, to the United States, the sum of five hundred dollars for every such refusal or neglect.

The courts empowered to issue monitions to compel the marshals and clerks to obey the requisitions of this act;

And may summarily hear and examine, and decree according to justice and law.

The marshal or clerk, neglecting or refusing to obey the requisitions of this act, forfeits 500 dolls.

SEC. 5. *And be it further enacted*, That there shall be allowed, to the accountant of the Navy Department, for his extra services in collecting, stating, and settling, the accounts of prize money, belonging to the navy pension fund, the annual sum of

The accountant of the Navy Department allowed \$300 per annum for extra services in settling ac-

1816. three hundred dollars, to be paid quarterly-yearly, out of the navy pension fund.

counts of prize money of the navy pension fund. Marshals to account for sales of prizes prior to this act within six months, or sooner if directed by the court.

Clerks to present their accounts of fees and charges within 6 months, or sooner if required by the court.

After accounts have been allowed they are to be filled, and copies sent to the Secretary of the navy. If the marshal or clerk neglect or refuse, they may be proceeded against.

In cases where the half monthly pay to officers, seamen, and marines, is not sufficient for their subsistence, it may be increased, but not to exceed full pay.

SEC. 6. *And be it further enacted*, That, whenever sales of prizes captured as aforesaid, have been made before the passing of this act, and the proceeds thereof have not been paid into the registry of the proper court, or finally distributed under its order, it shall be the duty of the marshal, who made the sale, within six calendar months from the passing of this act, or such shorter reasonable time as may be assigned by the court, or the judge or judges thereof, to pay into the registry of the court the proceeds of such sale, with a written account of the costs and charges attending the same, and to submit the same account, for examination and allowance, to the court, or to the judge or judges thereof; and, in like manner, it shall be the duty of the respective clerks of the district courts, within six calendar months from the passing of this act, or such shorter reasonable time as may be assigned by the proper court, or the judge or judges thereof, to present to such court, or the judge or judges thereof, for examination and allowance, a particular account of their fees and charges, in all cases of prizes captured as aforesaid, where such account has not been already presented and allowed; and, after such account shall be examined and allowed, it shall be filed among the records of the court, and a copy thereof, duly attested, shall be transmitted by the clerk of the court to the Secretary of the Navy; and if any marshal, or clerk, shall neglect, or refuse, to perform the duties herein required, he may be proceeded against in the proper court, in the manner provided in the fourth section of this act.

SEC. 7. *And be it further enacted*, That, in cases where the allowance of the half monthly pay, which may now be granted, by law, to officers, seamen, and marines, disabled in the service of the United States, shall, in the opinion of the commissioners of the navy pension fund, from the nature and extent of the disability, and the situation of the party disabled, be inadequate to his necessary subsistence, the said commissioners shall be, and hereby are, authorized, in their discretion, to increase such allowance to any sum not exceeding the full amount of the monthly pay to which the party so disabled was by law entitled in the said service.

APPROVED, April 16, 1816.

AN ACT for the gradual increase of the navy of the United States.

\$1,000,000 per annum appropriated for eight years, for the gradual increase of the navy.

SEC. 1. *Be it enacted, &c.*, That, for the gradual increase of the navy of the United States, the sum of one million of dollars per annum, for eight years, is hereby appropriated, including the sum of two hundred thousand dollars per annum, for three years, or the unexpended balance thereof, appropriated by an act approved on the third day of March, one thousand eight hundred and fifteen, entitled "An act concerning the naval establishment." [This section repealed by act of 3d March,

1821, and \$500,000, annually, for six years appropriated in-
stead.] 1817.

SEC. 2. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized to cause to be built nine ships, to rate not less than seventy-four guns each, and twelve ships, to rate not less than forty-four guns each, including one seventy-four and three forty-four gun ships, authorized to be built by an act, bearing date on the second day of January, one thousand eight hundred and thirteen, entitled "An act to increase the navy of the United States;" and, in carrying this act into effect, the President shall be, and he is hereby, authorized, as soon as the timber and other necessary materials are procured, and the timber properly seasoned, to cause the said ships to be built and equipped; or if, in his judgment, it will more conduce to the public interest, he may cause the said ships to be framed and remain on the stocks, and kept in the best state of preservation, to be prepared for service in the shortest time practicable, when the public exigency may require them.*

President to cause nine ships of not less than 74, and twelve ships of not less than 44 guns, to be built.

President may cause the ships to be framed and kept on the stocks.

SEC. 3. *And be it further enacted,* That, for the defence of the ports and harbors of the United States, the President shall be, and he is hereby, authorized to cause to be procured the steam engines, and all the imperishable materials necessary for building and equipping three steam batteries, on the most approved plan, and best calculated for the waters in which they are to act: and such materials shall be secured in the best manner, to ensure the completing such batteries in the shortest time practicable, when they, or either of them, in the opinion of the President, may be required for the public service; and the President is further authorized to cause to be completed, and kept in the best state of preservation, the block ship now on the stocks near New Orleans.

President authorized to cause to be procured the steam engines, for building and equipping three steam batteries.

Materials to be secured in the best manner, to ensure the completing the batteries in the shortest time. The block ship near New Orleans to be completed.

SEC. 4. *And be it further enacted,* That the moneys appropriated by this act shall not be transferred to any other object of expenditure, nor shall any part thereof be carried to the fund denominated the "surplus fund."

Moneys appropriated by this act not to be transferred to any other object, nor carried to the surplus fund.

APPROVED, April 29, 1816.

AN ACT to repeal the second section of an act, entitled "An act concerning the pay of officers, seamen, and marines, in the navy of the United States."

[Obsolete.]

Be it enacted, &c., That the second section of an act, entitled "An act concerning the pay of the officers, seamen, and marines, in the Navy of the United States," passed the eighteenth of April, in the year one thousand eight hundred and fourteen, be, and the same is hereby, repealed.

Second section of the act of April 18, 1814, repealed.

APPROVED, February 22, 1817.

*The President authorized, by act of May 17, 1826, to suspend the building of one of the vessels authorized, by this act, and to cause the timber for the same to be laid up and secured.

1817. AN ACT making reservation of certain public lands to supply timber for naval purposes.

The Secretary of the Navy enjoined to cause lands producing live oak and red cedar timbers to be explored, and sections to be made of tracts where the principal growth is.

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.

The tracts selected to be reserved, unless, &c.

Proviso: rights of persons claiming not to be prejudiced.

Persons cutting timber on the lands reserved, or any live oak or red cedar on other public lands, &c. subject to fine and imprisonment.

SEC. 2. *And be it further enacted*, That, if any person, or persons, shall cut any timber on the lands reserved as aforesaid, or shall remove, or be employed in removing, timber from the same, unless duly authorized so to do by order of a competent officer, and for the use of the navy of the United States; or, if any person, or persons, shall cut any live oak or red cedar timber on, or remove or be employed in removing from, any other public lands of the United States, with intent to dispose of the same for transportation to any port or place within the United States, or for exportation to any foreign country, such person, or persons, so offending, and being thereof duly convicted before any court having competent jurisdiction, shall pay a fine not exceeding five hundred dollars, and be imprisoned not exceeding six months.

Vessels taking on board timber from lands reserved, &c. forfeited.

SEC. 3. *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 reserved as aforesaid, without proper authority, and for the use of the navy, 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 seized, shall, with her tackle, apparel, and furniture, be wholly forfeited.

SEC. 4. *And be it further enacted*, That if any timber as

* The power to employ agents and surveyor revoked by act, approved May 15, 1820.

aforesaid shall, contrary to the prohibitions of this act, be exported to any foreign country, the ship or vessel, in which the same shall have been exported, shall be liable to forfeiture, and the captain or master of such ship or vessel shall forfeit and pay a sum not exceeding one thousand dollars.

SEC. 5. *And be it further enacted*, That all penalties and forfeitures, incurred for taking on board, transporting, or exporting, timber, by force of this act, shall be sued for, recovered, and distributed, and accounted for, in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," and shall be mitigated, or remitted, in the manner prescribed by the act, entitled "An act to provide for mitigating, or remitting, the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned."

APPROVED, March 1, 1817.

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

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

APPROVED, March 1, 1817.

AN ACT to amend and explain an "Act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States."

[Repealed by act of January 22, 1824; but rights under it are reserved.]

Be it enacted, &c., That if any officer, seaman, or marine, belonging to the navy of the United States, shall die, or shall have died, since the eighteenth day of June, in the year of our Lord one thousand eight hundred and twelve, in consequence of disease contracted, or casualties or injuries received, while in the line of his duty, and which shall be satisfactorily proved to the commissioners of the navy pension fund, leaving a widow, or, if no widow, a child or children, under sixteen years of age, such widow, or, if no widow, such child or children, shall be

1817.

Exportation of timber contrary to this act, subjects the vessel to a forfeiture, and the master to a fine.

Recovery of penalties, &c., and mitigations thereof, according to the acts mentioned.

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

Sureties to be approved by the judge or attorney of the district.

No person to act as purser after the 1st of May, 1817, without bond, excepting those on distant service, &c., nor they, &c.

Widows and children under 16 years of age, of officers, seamen, and marines, deceased, or dying after the 18th of June, 1812, while in the line of duty, entitled to half pay for five years, &c.

1817. entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for the term of five years; but, in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay, for the remainder of the term, shall go to the child or children of the deceased: *provided*, that such half pay shall cease on the death of such child or children. And the money required for this purpose shall be paid out of the navy pension fund, under the direction of the commissioners of that fund.

If the widow dies or marries, the half pay goes to the children.

Proviso: as to the cessation of the half pay.

Money to be paid out of the navy pension fund.

APPROVED, March 3, 1817.

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

SEC. 1. *Be it enacted, &c.*, That, from and after the third day of March next, the offices of accountant and additional accountant of the department of war, the office of accountant of the navy, and the office of superintendent general of military supplies, be, and they are hereby, abolished.

Accountants' offices of the war and navy departments, and office of superintendent general of military supplies, abolished.

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 accounts to be settled in the treasury department, after 3d of March, 1817.

SEC. 3. *And be it further enacted*, That, from and after the third day of March next, in addition to the officers in the treasury department, already established by law, there shall be the following officers, namely: four auditors, and one comptroller.

Four auditors & one comptroller additional in the treasury department.

SEC. 4. *And be it further enacted*, That it shall be the duty of the first auditor to receive all accounts accruing in the treasury department, and, after examination, to certify the balance, and transmit the accounts, with the vouchers and certificate, to the first comptroller, for his decision thereon; that it shall be the duty of the second auditor to receive all accounts, relative to the pay and clothing of the army, the subsistence of officers, bounties, and premiums, military and hospital stores, and the contingent expenses of the war department; that it shall be the duty of the third auditor to receive all accounts, relative to the subsistence of the army, the quartermaster's department; and, generally, all accounts of the war department, other than those provided for; 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; and it shall be the duty of the fifth auditor to receive all accounts accruing in, or relative to, the department of state, the general post office, and those arising out of Indian affairs, and examine the same, and thereafter certify the balance, and trans-

Duty of the first auditor.

Duty of the second auditor.

Duty of the third auditor.

Duty of the 4th auditor.

Duty of the fifth auditor.

1817.

mit the accounts, with the vouchers and certificate, to the first comptroller, for his decision thereon: *provided*, that the President of the United States may assign to the second or third auditor the settlement of the accounts which are now confided to the additional accountant of the war department.

Proviso: as to the accounts of the additional accountant.

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

Further duties of the auditors.

SEC. 6. *And be it further enacted*, That the said auditors shall, annually, on the first Monday in November, report to the Secretary of the Treasury the application of the money appropriated for the military and naval departments for the preceding year, which shall be laid before Congress, by him, with the annual statement of the public expenditure.

Auditors to report to the secretary of the treasury.

SEC. 7. *And be it further enacted*, That the Treasurer of the United States shall disburse all such moneys as shall have been previously ordered for the use of the war and navy departments, by warrants from the treasury, which disbursements shall be made pursuant to warrants drawn by the secretary of the war and navy departments, respectively, countersigned by the second comptroller, and registered by the auditors, respectively. [This section repealed May 7, 1822.]

The treasurer to disburse all money ordered for the use of the war and navy departments, &c.

SEC. 8. [This section relates to the duty of the first comptroller, and first and fifth auditors, and has no reference to the business of the navy department.]

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.

Duty of the second comptroller.

SEC. 10. *And be it further enacted*, That it shall be the duty of the first comptroller to superintend the recovery of all debts

First comptroller to superintend

1817. to the United States; to direct suits and legal proceedings, and the recovery of to take all such measures, as may be authorized by the laws, to enforce prompt payment of all debts due to the United States. all debts.

The provision contained in the second section of the act of 3d of March, 1797, extended in regard to the accounts of the war and navy departments.

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 suits 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.

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.*

Secretary of the treasury to cause all accounts of the expenditure of public money to be settled within the year, except, &c.

SEC. 13. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury to cause all accounts of the expenditure of public money to be settled within the year, except where the distance of the places, where such expenditure occurs, may be such as to make further time necessary; and, in respect to expenditures at such places, the Secretary of the Treasury, with the assent of the President, shall establish fixed periods at which a settlement shall be required. And it shall be the duty of the first comptroller to lay before Congress, annually, during the first week of their session, a list of such officers as shall have failed in that year to make the settlement required by law.

First comptroller to lay before Congress, annually, a list of officers failing to make settlement, &c.

The comptroller to distinguish between balances, &c.

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 abovementioned.

Comptroller not required to include balances where debtors have been reported insolvent 3 successive years.

Salary of the second comptroller and auditors \$3,000 per ann.

SEC. 15. *And be it further enacted,* That the salary of the comptroller, appointed by virtue of this act, shall be three thousand dollars per annum, and that of the auditors, each, three thousand dollars per annum.

* Swearing or affirming falsely, touching the disbursement of public money, or in support of any claim against the United States, punishable as wilful perjury, by act of March 1, 1823.

SEC. 16. *And be it further enacted,* That all letters and packages, to and from the comptroller and auditors hereinbefore mentioned, be conveyed free of postage, under the same regulations that are provided by law for other officers of Government; and the Secretary of the Treasury is hereby authorized to assign the several sums appropriated for clerk hire in the offices of the accountant, additional accountants, superintendent general of military supplies, and accountant of the navy, to the officers hereby created, to which their respective duties shall be assigned.

1817.

Letters, &c. to and from the second comptroller and auditors, free.

APPROVED, March 3, 1817.

AN ACT to fix the peace establishment of the marine corps.

[Obsolete.]

SEC. 1. *Be it enacted, &c.,* That the peace establishment of the marine corps shall consist of the following officers, non-commissioned officers, musicians, and privates, viz: one lieutenant colonel commandant, nine captains, twenty-four first lieutenants, sixteen second lieutenants, one adjutant and inspector, one paymaster, and one quartermaster, to be taken from the said captains and lieutenants, seventy-three corporals, forty-two drums and fifes, and seven hundred and fifty privates.

Number of officers, musicians, and privates.

SEC. 2. *And be it further enacted,* That the President of the United States cause the provisions of this act to be carried into effect on the first day of April next, or as soon thereafter as circumstances will admit, and cause any supernumerary officers to be discharged from the service of the United States; and to all persons so discharged, there shall be paid three months' additional pay.

The President to cause this act to be carried into effect on the 1st of April, 1817; supernumerary officers to be discharged, with 3 months' additional pay.

SEC. 3. *And be it further enacted,* That the President of the United States may, in the recess of the Senate, appoint any of the officers authorized by this act, which appointments shall be submitted to the Senate, at their next session, for their advice and consent.

The President may appoint any of the officers in the recess of the senate, &c.

APPROVED, March 3, 1817.

AN ACT supplementary to an act, entitled "An act further to amend the several acts for the establishment and regulation of the treasury, war, and navy departments."

Be it enacted, &c., That nothing contained in the act of the third of March, one thousand eight hundred and nine, entitled "An act further to amend the several acts for the establishment and regulation of the treasury, war, and navy departments," shall be construed to authorize the President of the United States to direct any sum appropriated to fortifications, arsenals, armories, custom-houses, docks, navy yards, or buildings of any

The President restrained from making transfers of appropriations for specified objects to any other.

1818.

sort, or to munitions of war, or to the pay of the army or navy, to be applied to any other object of public expenditure.

APPROVED, March 3, 1817.

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.

After the 4th of July, 1818, the flag to be 13 stripes and 20 stars.

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 fourth day of July then next succeeding such admission.

A star to be added for every new state.

APPROVED, April 4, 1818.

AN ACT to repeal part of the act, entitled "An act to provide for surveying the coasts of the United States."

SEC. 1. *Be it enacted, &c.*, That so much of the third section of the act, passed the tenth day of February, one thousand eight hundred and seven, entitled "An act to provide for surveying the coasts of the United States," as authorizes the employment of other persons in the execution of said act, than the persons belonging to the army and navy, be, and the same is hereby, repealed.

None but persons belonging to the army and navy to be employed in surveying the coasts.

SEC. 2. *And be it further enacted*, That all instruments and property of the United States, and all surveys, draughts, notes, charts, maps, and documents, in any wise belonging to the survey of the coasts, be deposited in such place as the President of the United States shall direct.

Instruments, surveys, draughts, charts, &c., to be deposited as the President directs.

APPROVED, April 14, 1818.

AN ACT in addition to "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States."

[Extended for the further term of five years, by act of April 9, 1824.]

SEC. 1. *Be it enacted, &c.*, That, in every case where a person has been put on the pension list, or granted a certificate of pension, by virtue of the first section of an act, passed the fourth day of March, in the year eighteen hundred and fourteen, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," the Secretary of the Navy be, and he is hereby, authorized, at the expiration of the term of five years, for which any pension certificate shall have been granted as aforesaid, to allow the full monthly pension to which the rank of the deceased would have entitled him for the highest rate of disability, and that such pension shall continue to such person

Persons put on the pension list in virtue of the 1st section of the act of 4th March, 1814, to be allowed full monthly pension for the further term of five years.

for the further term of five years: *provided*, that such pension shall cease on the death of such widow, child, or children. 1818.

SEC. 2. *And be it further enacted*, That if any officer, seaman, or marine, shall have died since the eighteenth day of June, in the year eighteen hundred and twelve, in consequence of an accident or casualty, which occurred while in the line of his duty on board a private armed vessel, leaving a widow, or, if no widow, a child or children under sixteen years of age, the Secretary of the Navy be, and he is hereby, authorized to place such widow, child, or children, on the pension list, and allow to such widow, child, or children, the same monthly pension as if the deceased had died by reason of wounds received in the line of his duty: *provided*, that all moneys paid by virtue of this act shall be paid out of the privateer pension fund, and no other.

Proviso: pension to cease on death of widow.

Widows and children of officers, seamen, &c. who have died from accidents in the service since 18th of June, 1812, to be placed on the pension list.

Proviso: the money to be paid out of the privateer fund.

APPROVED, April 16, 1818.

RESOLUTION directing the completion of the survey of the waters of the Chesapeake bay, and for other purposes.

[Obsolete.]

Resolved, &c., That the President of the United States be, and he hereby is, requested to cause to be resumed and completed the surveys heretofore commenced, preparatory to the establishment of two naval arsenals; and that, to the naval officers employed in this service, officers of the corps of engineers be joined, with instructions to prepare plans of the fortifications necessary to be erected for the defence of such arsenals, with an estimate of the expense of erecting the same. And that the President be further requested to cause such a survey of the Chesapeake bay to be made, as may be requisite to ascertain what points are necessary to be fortified for the protection of the commerce of said bay; and a report of the same, with a plan of the works necessary to be erected, with an estimate of the expense of the same, to be made to Congress in the first week of their next session.

Surveys preparatory to the establishment of two naval arsenals to be resumed and completed, &c.

Plans of fortifications and estimate of expense.

Survey of the Chesapeake bay.

Report with a plan, &c.

APPROVED, April 20, 1818.

AN ACT in addition to "An act to prohibit the introduction [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.

SEC. 1. *Be it enacted, &c.*, That, from and after the passing of this act, it shall not be lawful to import or bring, in any manner whatsoever, into the United States, or territories thereof, from any foreign kingdom, place, or country, any negro, mulatto, or person of color, with intent to hold, sell, or dispose of, any such negro, mulatto, or person of color, as a slave, or to be held to service or labor; and any ship, vessel, or other water craft, employed in any importation as aforesaid, shall be liable to seizure, prosecution, and forfeiture, in any district in which

It shall not be lawful to bring negroes, mulattoes, &c. into the United States, from a foreign place, in any manner whatever, with intent to hold them as slaves.

Vessels in which they are imported forfeited.

1818. it may be found; one half thereof to the use of the United States, and the other half to the use of him or them who shall prosecute the same to effect.

Haif to the person prosecuting.

No person to equip vessels for the slave trade in the ports of the United States.

SEC. 2. And be it further enacted, That no citizen or citizens of the United States, or any other person or persons shall, after the passing of this act, as aforesaid, for himself, themselves, or any other person or persons, whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare, any ship or vessel, in any port or place within the jurisdiction of the United States, nor cause any such ship or vessel to sail from any port or place whatsoever, within the jurisdiction of the same, for the purpose of procuring any negro, mulatto, or person of color, from any foreign kingdom, place, or country, to be transported to any port or place, whatsoever, to be held, sold, or otherwise disposed of, as slaves, or to be held to service or labor; and if any ship or vessel shall be so built, fitted out, equipped, laden, or otherwise prepared, for the purpose aforesaid, every such ship or vessel, her tackle, apparel, furniture, and lading, shall be forfeited, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for said forfeiture, and prosecute the same to effect; and such ship or vessel shall be liable to be seized, prosecuted, and condemned, in any court of the United States having competent jurisdiction.

Vessels equipped for the slave trade forfeited, &c.

Haif to the person suing.

Persons concerned in fitting out vessels for the slave trade, &c. subject to a fine of not more than five, nor less than one thousand dollars.

SEC. 3. And be it further enacted, That every person or persons so building, fitting out, equipping, loading, or otherwise preparing, or sending away, or causing any of the acts aforesaid to be done, with intent to employ such ship or vessel in such trade or business, after the passing of this act, contrary to the true intent and meaning thereof, or who shall, in any wise, be aiding or abetting therein, shall, severally, on conviction thereof, by due course of law, forfeit and pay a sum not exceeding five thousand dollars, nor less than one thousand dollars; one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for such forfeiture and prosecute the same to effect; and shall, moreover, be imprisoned for a term not exceeding seven years, nor less than three years.

Haif to the person suing.

Imprisonment, &c.

Citizens or residents liable to a fine of not more than five, nor less than one thousand dollars and to imprisonment, for transporting persons not held to service, &c. by the laws of the United States, &c.

SEC. 4. And be it further enacted, That, if any citizen or citizens of the United States, or other person or persons, resident within the jurisdiction of the same, shall, from and after the passing of this act, take on board, receive, or transport, from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, or from sea, any negro, mulatto, or person of color, not being an inhabitant, nor held to service by the laws of either of the States or territories of the United States, in any ship, vessel, boat, or other water craft, for the purpose of holding, selling, or otherwise disposing of, such person as a slave, or to be held to service or labor, or be aiding or abetting therein, every such person or persons, so offending, shall, on conviction, by due course of law, severally

forfeit and pay a sum not exceeding five thousand, nor less than one thousand, dollars, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for such forfeiture, and prosecute the same to effect; and, moreover, shall suffer imprisonment, for a term not exceeding seven years, nor less than three years; and every ship or vessel, boat, or other water craft, on which such negro, mulatto, or person of color, shall have been taken on board, received, or transported, as aforesaid, her tackle, apparel, and furniture, and the goods and effects which shall be found on board the same, or shall have been imported therein in the same voyage, shall be forfeited, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for, and prosecute the same to effect; and every such ship or vessel shall be liable to be seized, prosecuted, and condemned, in any court of the United States having competent jurisdiction.

SEC. 5. *And be it further enacted,* That neither the importer or importers, nor any person or persons claiming from or under him or them, shall hold any right, interest, or title whatsoever, in or to any negro, mulatto, or person of color, nor to the service or labor thereof, who may be imported or brought into the United States, or the territories thereof, in violation of the provisions of this act, but the same shall remain subject to any regulations, not contravening said provisions, which the Legislatures of the several States or territories may at any time heretofore have made, or hereafter may make, for disposing of any such negro, mulatto, or person of color.

SEC. 6. *And be it further enacted,* That if any person or persons whatsoever shall, from and after the passing of this act, bring within the jurisdiction of the United States, in any manner whatsoever, any negro, mulatto, or person of color, from any foreign kingdom, place, or country, or from sea, or shall hold, sell, or otherwise dispose of, any such negro, mulatto, or person of color, so brought in, as a slave, or to be held to service or labor, or be in any wise aiding or abetting therein, every person so offending, shall, on conviction thereof by due course of law, forfeit and pay for every such offence, a sum not exceeding ten thousand, nor less than one thousand, dollars, one moiety to the use of the United States, and the other to the use of the person or persons who shall sue for such forfeiture, and prosecute the same to effect; and, moreover, shall suffer imprisonment, for a term not exceeding seven years, nor less than three years.

SEC. 7. *And be it further enacted,* That if any person or persons whatsoever shall hold, purchase, sell, or otherwise dispose of, any negro, mulatto, or person of color, for a slave, or to be held to service or labor, who shall have been imported or brought, in any way, from any foreign kingdom, place, or country, or from the dominions of any foreign state immediately adjoining to the United States, into any port or place within

1818.

Half to the person suing.

Vessel, &c. forfeited.

Half to the person suing.

Slaves imported in violation of this act, to be disposed of as the state or territorial authorities may prescribe, &c.

Persons bringing in any negro, &c. from a foreign place, &c. or holding, selling, such negro, &c. when brought in, as a slave, forfeit not more than ten, nor less than one thousand dollars, and are subject to imprisonment.

Half to the person suing.

Persons holding, buying, or selling, &c. any negro, &c. brought as a slave, in any way, from a foreign place, or adjoining foreign dominions, &c. forfeit \$1000.

1819.

Half to the person suing.

Provided: the forfeiture not to extend to the seller or purchaser of any negro, &c. under the lawful regulations of a state, &c.

Onus probandi on the defendant.

In failure of proof the defendant to be adjudged guilty.

Prosecutions under this act may be sustained at any time within five years.

The first six sections of the act 2d March, 1807, repealed; provided, &c.

Five years' additional half pay to the widows and children of officers, seamen, and marines, killed in battle, &c. or who died in service.

the jurisdiction of the United States, from and after the passing of this act, every person so offending, and every person aiding or abetting therein, shall severally forfeit and pay, for every negro, mulatto, or person of color, so held, purchased, sold, or disposed of, one thousand dollars, one moiety to the use of the United States, and the other to the use of the person or persons who may sue for such forfeiture, and prosecute the same to effect, and to stand committed until the said forfeiture be paid: *provided*, that the aforesaid forfeiture shall not extend to the seller or purchaser of any negro, mulatto, or person of color, who may be sold, or disposed of, in virtue of any regulations which have been heretofore, or shall hereafter be, lawfully made by any Legislature of any State or territory, in pursuance of this act and the Constitution of the United States.

SEC. 8. *And be it further enacted*, That, in all prosecutions under this act, the defendant or defendants shall be holden to prove that the negro, mulatto, or person of color, which he or they shall be charged with having brought into the United States, or with purchasing, holding, selling, or otherwise disposing of, and which, according to the evidence in such case, the said defendant or defendants shall have brought in aforesaid, or otherwise disposed of, was brought into the United States at least five years previous to the commencement of such prosecution, or was not brought in, holden, purchased, or otherwise disposed of, contrary to the provisions of this act; and in failure thereof, the said defendant or defendants shall be adjudged guilty of the offence of which he or they may stand accused.

SEC. 9. *And be it further enacted*, That any prosecution, information, or action, may be sustained, for any offence under this act, at any time within five years after such offence shall have been committed, any law to the contrary notwithstanding.

SEC. 10. *And be it further enacted*, That the first six sections of the act to which this is in addition, shall be, and the same are hereby, repealed: *provided*, that all offences committed under the said sections of the act aforesaid, before the passing of this act, shall be prosecuted and punished, and any forfeitures, which have been incurred under the same, shall be recovered and distributed, as if this act had not been passed.

APPROVED, April 20, 1818.

AN ACT extending the term of half-pay pensions to the widows and children of certain officers, seamen, and marines, who died in the public service.

Be it enacted, &c., That, in all cases where provision has been made by law, for five years' half pay to the widows and children of officers, seamen, and marines, who were killed in battle, or died of wounds received in battle, or who died in the naval service of the United States, during the late war, the said provision shall be continued for the additional term of five

years, to commence at the end of the first term of five years, in each case, respectively, making the provision equal to ten years' half pay; which shall be paid in the manner, and out of the fund, heretofore designated by law; and the said pensions shall also cease for the reasons mentioned in the said law.

1819.

To be paid as designated by law, &c.

APPROVED, March 3, 1819.

AN ACT regulating the payments to invalid pensioners.

[This act has been supposed by many to refer only to *Revolutionary* pensioners; but by opinion of the Attorney General, it has been construed as applying to *all* invalid pensioners.]

Be it enacted, &c., 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 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 after the fourth day of March next, and at the end of every two years thereafter; and if, in a case of a 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: *and provided, also*, that this act shall not extend to the invalids of the revolution, who have been, or shall be, placed on the pension list, pursuant to an act of Congress, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war," approved the eighteenth day of March, in the year of our Lord one thousand eight hundred and eight.*

In applications for payments of pensions the affidavit of two credible surgeons, &c. stating the continuance and rate of disability, &c. to accompany the application for payment falling due after 4th March, 1820, and every two years thereafter, &c. and the applicant to be paid at the rate, &c.

Proviso: affidavit not necessary in case of total disability, &c.

Proviso: this act not to extend to invalids under act 18th March, 1818.

[*So in the original. It should be eighteen.]

APPROVED, March 3, 1819.

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

[The 1st, 2d, 3d, and 4th sections of this act, continued for the further term of two years, by act of May 15, 1820; and the same sections continued without limitation, by act of Jan. 30, 1823. The 5th section continued indefinitely, by act of May 15, 1820.]

SEC. 1. *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 commanders thereof, in protecting the merchant vessels of the United States, and their crews, from piratical aggressions and depredations.

The President authorized to employ the public armed vessels to protect merchant vessels and their crews from piratical aggression.

1819.

The President authorized to instruct commanders of public armed vessels to take and send into port armed vessels, &c. which have attempted or committed piratical aggression &c. upon any vessel, and to retake vessels of the U. S. unlawfully captured.

Merchant vessels of the U. S. owned wholly or in part by a citizen, may defend against aggression, &c. by any armed vessel other than a public armed vessel of a nation in amity; may capture the offending vessel, and retake vessels of the U. S., &c.

Vessels or boats from which piratical aggression, &c. has been first attempted or made, when taken and brought into port, may be condemned to the use of the U. S. and the captors, &c.

Sale and distribution.

Persons committing the crime of piracy on the high seas, if brought or found in the U. S. to be punished with death.

Limitation of this act.

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.

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.

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.

SEC. 5. *And be it further enacted,* That if any person or persons whatsoever shall, on the high seas, commit the crime of piracy, as defined by the law of nations, and such offender or offenders shall afterwards be brought into, or found in, the United States, every such offender or offenders shall, upon conviction thereof, before the circuit court of the United States for the district into which he or they may be brought, or in which he or they shall be found, be punished with death.

SEC. 6. *And be it further enacted,* That this act shall be in force until the end of the next session of Congress.

APPROVED, March 3, 1819.

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

Ships of the navy to be named by the Secretary, under direction of the President.

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 Presi-

dent 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.

1819.

1st class, after States.
2d after rivers.
3d after principal cities and towns.
No two of the same name.

APPROVED, March 3, 1819.

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

SEC. 1. *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 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 aforesaid, shall safe 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 dis-

The President may employ the armed vessels of the U. S. on the coasts of the U. S. and of Africa, &c. to enforce the acts of Congress prohibiting the importation of slaves.

Vessels unlawfully engaged in the transportation of negroes, may be seized and brought into port.

(*Approved Mar. 2, 1807.)

The proceeds of offending vessels, &c. to be divided between the U. S. and the captors, whether armed vessels or revenue cutters.

To be distributed as prizes.

Proviso: officers and men to safe keep the negroes, and deliver them to the marshal.

A descriptive list to be transmitted to the President.

1819. posal 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.

Proviso: officers and crews of offending vessels to be taken into custody, and delivered to the civil authority.

The President authorized to make regulations for safe keeping, support, and removal out of the U. S. of the negroes, &c. and may appoint agents on the coast of Africa to receive them, &c.

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.

Bounty of \$25 for every negro, &c. delivered to the marshal, &c.

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 as aforesaid.

Secretary of the treasury to cause the bounty to be paid.

District attorney to prosecute by information, in the case of persons holding negroes, &c. unlawfully imported.

SEC. 4. *And be it further enacted,* That when any citizen, or other person, shall lodge information, with the attorney for the district of any State or territory, as the case may be, that any negro, mulatto, or person of color, has been imported therein, contrary to the provisions of the acts in such case made and provided, it shall be the duty of the said attorney forthwith to commence a prosecution, by information; and process shall issue against the person charged with holding such negro, negroes, mulatto, mulattoes, person or persons of color, so alleged to be imported contrary to the provisions of the acts aforesaid: and if, upon the return of the process executed, it shall be ascertained, by the verdict of a jury, that such negro, negroes, mulatto, mulattoes, person or persons of color, have been brought in, contrary to the true intent and meaning of the acts in such cases made and provided, then the court shall direct the marshal of the said district to take the said negroes, mulattoes, or persons of color, into his custody, for safe-keeping, subject to the orders of the President of the United States; and the informer or informers, who shall have lodged the information, shall be entitled to receive, over and above the portion of the penalties accruing to him or them, by the provisions of the acts in such case made and provided, a bounty of fifty dollars, for each and every negro, mulatto, or person of color, who shall have been delivered into the custody of the marshal; and the

Upon the verdict of a jury, the court to direct the marshal to take the negroes into custody.

Informer entitled to a bounty of \$50 for every negro, &c. besides the portion of penalties accruing to him.

Secretary of the Treasury is hereby authorized and required to pay, or cause to be paid, the aforesaid bounty, upon the certificate of the clerk of the court for the district where the prosecution may have been had, with the seal of office thereto annexed, stating the number of negroes, mulattoes, or persons of color, so delivered. 1820.

The Secretary of the treasury to cause the bounty to be paid, on the certificate of the clerk.

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, into 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.

Vessels captured under the provisions of this act to be brought into a port of the state or territory where they belong, if, &c.

SEC. 6. *And be it further enacted*, That all such acts, or parts of acts, as may be repugnant to the provisions of this act, shall be, and the same are hereby, repealed.

Repugnant acts, and parts of acts, repealed.

SEC. 7. *And be it further enacted*, That a sum not exceeding one hundred thousand dollars be, and the same is hereby, appropriated to carry this law into effect.

\$100,000 appropriated to carry this law into effect.

APPROVED, March 3, 1819.

AN ACT in addition to the several acts for the establishment and regulation of the treasury, war, and navy departments.

SEC. 1. *Be it enacted, &c.*, That it shall be the duty of the Secretary of the Treasury, to cause to be carried to the account of the surplus fund, any moneys, appropriated for the department of war, or of the navy, which may remain unexpended in the treasury, or in the hands of the Treasurer, as agent for those departments, whenever he shall be informed by the secretaries of those departments that the object for which the appropriation was made has been effected. And it shall be the duty of the secretaries of war and navy departments, to cause any balance of moneys drawn out of the treasury, which shall remain unexpended, after the object for which the appropriation was made shall be effected, to be repaid to the treasury of the United States; and such moneys, when so repaid, shall be carried to the surplus fund.

Unexpended moneys, when the object of appropriation has been effected, to be carried to the surplus fund.

Balance of moneys drawn, after the object has been effected, to be repaid to the treasury.

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 es-

Secretaries of war and navy, to lay before Congress, annually, on the 1st Feb. a statement of appropriations of the preceding year, showing the amount, balance.

Secretaries to estimate the probable demands, and balance to be deducted.

1820.

Accounts to be annually rendered, of sums expended; balance.

Unexpended moneys in the hands of the treasurer as agent of war and navy departments, for more than two years, &c. to be carried to the surplus fund.

Proviso: no transfer to surplus fund until expiration of the time limited for completion of the object.

Appropriations for the service of one year not to be transferred to another branch of expenditure in a different year, under act 3d March, 1809.

No appropriations in the hands of the treasurer, as agent, to be subject to transfer under act of 3d March, 1809.

Act of 3d March, 1809, amended.

Branches of expenditure in the war department, a portion of the appropriations for one of which may, by the President, be applied to another.

Branches of expenditure in the navy department, a portion of the appropriations for one of which may, by the President, be applied to another.

No contracts to be made by the secretaries of de-

partments, 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. And whenever any moneys, appropriated to the department of war, or of the navy, shall remain unexpended in the hands of the Treasurer, as agent of either of those departments, for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, or to which it refers, it shall be the duty of the secretary of such department to inform the Secretary of the Treasury of the fact, and the Secretary of the Treasury shall thereupon cause such moneys to be carried to the account of the surplus fund: *provided*, that when an act, making an appropriation, shall assign a longer duration for the completion of its object, no transfer of any unexpended balance, to the account of the surplus fund, shall be made, until the expiration of the time fixed in such act.

[SEC. 3 relates entirely to the War Department.]

SEC. 4. *And be it further enacted*, That nothing contained in the act of March third, one thousand eight hundred and nine, entitled "An act further to amend the several acts for the establishment and regulation of the treasury, war, and navy departments," shall be so construed, as to allow any appropriations whatever, for the service of one year, to be transferred to another branch of expenditure, in a different year, nor shall any appropriations be deemed subject to be transferred, under the provisions of the abovementioned act, after they shall have been placed in the hands of the Treasurer, as agent of the war or navy departments.

SEC. 5. *And be it further enacted*, That the abovementioned act of the third of March, one thousand eight hundred and nine, shall be, and the same is hereby, so amended, that the President shall be authorized to direct a portion of the moneys appropriated for any one of the following branches of expenditure in the military department, viz: for the subsistence of the army, for forage, for the medical and hospital department, for the quartermaster's department; to be applied to any other of the abovementioned branches of expenditure in the same department: and that the President shall be, also, further authorized, to direct a portion of the moneys appropriated for any of the following branches of expenditure in the naval department, viz: for provisions, for medicine and hospital stores, for repairs of vessels, for clothing; to be applied to any other of the abovementioned branches of expenditure in the same department; and that no transfers of appropriation, from or to other branches of expenditure, shall be hereafter made.

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.

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.

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 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.

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

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, the apothecary general, the assistant apothecaries general, and the commissary general of purchases, 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. 2. *And be it further enacted,* That the commission of each and every of the officers named in the first section of this act, now in office, unless vacated by removal from office, or otherwise, shall cease and expire in the manner following: all such commissions, bearing date on or before the thirtieth day of September, one thousand eight hundred and fourteen, shall cease and expire on the day and month of their respective dates, which shall next ensue after the thirtieth day of September next; all such commissions, bearing date after the said thirtieth day of September, in the year one thousand eight hundred and fourteen, and before the first day of October, one thousand eight hundred and sixteen, shall cease and expire on the day and month of their respective dates, which shall next ensue after the thirtieth day of September one thousand eight hundred and twenty-one. And all other such commissions shall cease and

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partments except under authority of a law, or an adequate appropriation; and except contracts for subsistence, clothing, and quartermaster's department.

No land to be purchased for the U. S. except under authority of law. Secretary of the treasury to annex to annual estimates, a statement of appropriations for the service of the year by former acts, and of sums in the treasury.

District attorneys collectors of customs, naval officers, surveyors of customs, navy agents, receivers of public moneys, registers of land offices, paymasters, apothecary general and assistants, and commissary general of purchases, to be appointed for 4 years, removable at pleasure. Commissions of officers, now in office, to cease— If before 30th of September, 1814, at their dates ensuing 30th Sept. 1820.

If after 30th Sept. 1814, and before 1st Oct. 1816, at their dates ensuing 30th Sept. 1821.

1820. expire at the expiration of the term of four years from their re-
 spective dates.

All others 4 years
 from their dates.

The President
 authorized, from
 time to time, to
 regulate and in-
 crease the sums
 in bonds required
 from officers of
 the U. S.

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.

APPROVED, May 15, 1820.

AN ACT providing for the better organization of the treasury department.

["The powers and duties which are by law vested in, and required from, the agent of the treasury, transferred to, vested in, and required from, the solicitor of the treasury," by act of May 29, 1830.]

An officer, to be
 designated by the
 President, as a-
 gent of the trea-
 sury, to superin-
 tend suits, for the
 recovery of mo-
 ney for the use of
 the U. S.

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.

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

After 30th Sept.
 1820, officers em-
 ployed to dis-
 burse public mo-
 neys, being delin-
 quent, in render-
 ing account or
 paying over, the
 1st and 2d comp-
 troller to state
 and certify the
 accounts, and the
 agent of the trea-
 sury to proceed
 against them by
 warrant of dis-
 tress.

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 approba-

Proviso: the a-
 gent, with appro-
 bation of the sec

tion 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.

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 complainant, 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.

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

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.

SEC. 7. *And be it further enacted*, That the attorneys of the United States, for the several judicial districts of the United States, in the prosecution of all suits in the same, in the name and for the benefit of the United States, shall conform to such directions and instructions, touching the same, as shall, from time to time, be given to them, respectively, by the said agent

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retary of the treasury, may postpone proceedings &c.

Persons aggrieved may prefer a bill of complaint to a district judge, &c.

The judge may grant an injunction.

No injunction until bond and security.

Injunction not to impair the lien of the warrant.

Damages, if application for the injunction was merely for delay.

Injunction, either in or out of court.

Persons aggrieved by the decision of such judge, may apply to a judge of the supreme court, who may grant relief.

Attorneys of the U. S. to conform to instructions from the agent of the treasury.

1820.

Attorneys, at the end of every term, to forward a statement of cases decided, and information to the agent.

of the treasury. And it shall, moreover, be the duty of each of the said attorneys, immediately after the end of every term of the district and circuit courts, or of any State court, in which any suit or action may be pending, on behalf of the United States, under the direction of any district attorney, to forward to the said agent of the treasury a statement of the cases which have been decided during the said term, together with such information, touching such cases as may not have been decided, as may be required by the said officer.

Clerks of circuit & district courts, within 30 days after term, to forward a list of judgments and decrees entered, to the agent, showing the amount.

SEC. 8. *And be it further enacted*, That it shall be the duty of the clerks of the district and circuit courts, within thirty days after the adjournment of each successive term of the said courts, respectively, to forward to the said agent of the treasury, a list of all judgments and decrees which have been entered in the said courts, respectively, during such term, to which the United States are parties, showing the amount which has been so adjudged or decreed for or against the United States, and stating the term to which execution thereon will be returnable. And it shall, in like manner, be the duty of the marshals of the several judicial districts of the United States, within thirty days before the commencement of the several terms of the said courts, to make returns, to the said agent, of the proceedings which have taken place upon all writs of execution, or other process, which have been placed in his hands for the collection of the money which has been so adjudged and decreed to the United States in the said courts, respectively.

Marshals, within 30 days before terms, to make returns to the agent, of proceedings on writs of execution.

Nothing in this act to impair any right or remedy, under preceding laws, for the recovery of debts, &c.

SEC. 9. *And be it further enacted*, That nothing in this act contained shall be construed to take away, or impair, any right or remedy, which the United States now have, by law, for the recovery of taxes, debts, or demands.

APPROVED, May 15, 1820.

AN ACT authorizing the building of a certain number of small vessels of war.
[Obsolete.]

President authorized to cause to be built, five vessels of war, of not more than 12 guns each.

Be it enacted, &c., That the President of the United States is hereby authorized to cause to be built, and equipped, any number of small vessels of war (not exceeding five) which, in his judgment, the public service may require; the said vessels to be of a force not more than twelve guns each, according to the discretion of the President. And, for carrying this act into effect, the sum of sixty thousand dollars is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated.

\$60,000 appropriated for the object.

APPROVED, May 15, 1820.

[Under this act, the schooners Alligator, Dolphin, Grampus, Porpoise, and Shark, were built.]

AN ACT to amend "An act making reservation of certain public lands for naval purposes," passed first March, one thousand eight hundred and seventeen.

Power of the secretary of the navy to appoint a

Be it enacted, &c., That so much of the first section of the act of Congress, passed on the first day of March, one thousand

eight hundred and seventeen, entitled "An act making reservation of certain public lands for naval purposes," as empowers the Secretary of the Navy to appoint an agent or agents and surveyor, be, and the same is hereby, repealed; and the duties and services required by said section be performed, in future, by such surveyors of public lands as may be designated by the President of the United States.

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gents and surveyors repealed.

Duties to be performed by surveyors of public lands.

APPROVED, May 15, 1820.

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.

SEC. 1. *Be it enacted, &c.*, That the first, second, third, and fourth sections of an act, entitled "An act to protect the commerce of the United States and punish the crime of piracy," passed on the third day of March, one thousand eight hundred and nineteen, be, and the same are hereby, continued in force, from the passing of this act for the term of two years, and from thence to the end of the next session of Congress, and no longer. [Continued, without limitation, by act of Jan. 30, 1823.]

1st, 2d, 3d, and 4th sections of act of 3d March, 1819, continued for 2 years, &c.

SEC. 2. *And be it further enacted*, That the fifth section of the said act be, and the same is hereby, continued in force, as to all crimes made punishable by the same, and heretofore committed, in all respects, as fully as if the duration of the said section had been without limitation.

5th section of act of 3d March, 1819, continued, as to crimes heretofore committed.

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 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.

Persons committing robbery, on any ship or vessel, or ship's company, or on the high seas, in a roadstead, &c. to suffer death.

Conviction in circuit court where brought or found.

Persons engaged in any piratical enterprise, and committing robbery on shore, declared pirates, and to suffer death.

Conviction in circuit court where brought or found.

Proviso: states not to be deprived of jurisdiction, & offenders not to be tried after acquittal.

SEC. 4. *And be it further enacted*, That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person

Persons landing on a foreign shore and seizing negroes or mulattos.

1820. whatever, being of the crew or ship's company of any ship or vessel, owned in the whole or part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall land, from any such ship or vessel, and, on any foreign shore, seize any negro or mulatto, not held to service or labor by the laws of either of the States or territories of the United States, with intent to make such negro or mulatto a slave, or shall decoy, or forcibly bring or carry, or shall receive, such negro or mulatto, on board any such ship or vessel, with intent as aforesaid, such citizen or person shall be adjudged a pirate; and, on conviction thereof, before the circuit court of the United States for the district wherein he may be brought or found, shall suffer death.

toes, not held to service, with intent to make them slaves, or decoying, forcibly bringing or carrying them on board declared pirates, and to suffer death.

Conviction in circuit court where brought or found.

Persons forcibly confining, detaining, or aiding to confine or detain negroes on board vessels, or offering to sell on board, or, on the high seas, or tide water, transferring or delivering over to any other ship, or landing, negroes, with intent, declared pirates, and to suffer death.

Conviction in circuit court where brought or found.

SEC. 5. *And be it further enacted,* That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel, owned wholly, or in part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall forcibly confine or detain, or aid or abet in forcibly confining or detaining, on board such ship or vessel, any negro or mulatto not held to service by the laws of either of the States or territories of the United States, with intent to make such negro or mulatto a slave, or shall, on board any such ship or vessel, offer or attempt to sell, as a slave, any negro or mulatto not held to service as aforesaid, or shall, on the high seas, or any where on tide water, transfer or deliver over, to any other ship or vessel, any negro or mulatto, not held to service as aforesaid, with intent to make such negro or mulatto a slave, or shall land, or deliver on shore, from on board any such ship or vessel, any such negro or mulatto, with intent to make sale of, or having previously sold, such negro or mulatto, as a slave, such citizen or person shall be adjudged a pirate; and, on conviction thereof, before the circuit court of the United States for the district wherein he shall be brought or found, shall suffer death.

APPROVED, May 15, 1820.

[By act of March 3, 1823, district courts of the United States shall have cognizance, where no circuit courts are holden.]

AN ACT to amend the act, entitled "An act to amend the act authorizing the employment of an additional naval force."

2d sec. of act of 31st Jan. 1809, amended, so as to authorize enlistments for the service or cruise; but not to exceed three years.

Be it enacted, &c., That the second section of the act, entitled "An act authorizing the employment of an additional naval force," passed on the thirty-first day of January, eighteen hundred and nine, be, and the same is hereby, amended, so far as to authorize the enlistment of able seamen, ordinary seamen, and boys, during the continuance of the service or cruise for which they shall be enlisted; not, however, to exceed the period of three years.

APPROVED, May 15, 1820.

AN ACT to amend the act, entitled "An act for the gradual increase of the navy of the United States."

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SEC. 1. *Be it enacted, &c.*, That the first section of the act, entitled "An act for the gradual increase of the navy of the United States," approved April twenty-ninth, eighteen hundred and sixteen, shall be, and the same is hereby, repealed.

1st sec. of act of 29th April, 1816, repealed.

SEC. 2. *And be it further enacted*, That, instead of the appropriation therein contained, there shall be, and is hereby, appropriated, the sum of five hundred thousand dollars per annum, for six years, from the year eighteen hundred and twenty-one, inclusive, to be applied to carry into effect the purposes of the said act.

\$500,000 per ann. for six years, for the gradual increase of the navy.

APPROVED, March 3, 1821.

AN ACT for the preservation of the timber of the United States in Florida.

Be it enacted, &c., That the President of the United States be, and hereby is, authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of, the timber of the United States in Florida; and also to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

President may employ the land and naval forces to prevent the destruction of, or carrying away, public timber from Florida, and authorized to take measures to preserve it.

APPROVED, February 23, 1822.

AN ACT further to amend the several acts relative to the treasury, war, and navy departments.

SEC. 1. *Be it enacted, &c.*, That the second section of the act, entitled "An act making alterations in the treasury and war departments," passed the eighth day of May, seventeen hundred and ninety-two; the second section of the act, entitled "An act to alter and amend the several acts for the establishment and regulation of the treasury, war, and navy departments," passed the sixteenth day of July, seventeen hundred and ninety-eight; and the seventh section of the act, entitled "An act to provide for the prompt settlement of public accounts," passed the third day of March, eighteen hundred and seventeen, be, and hereby are, repealed, from and after the thirtieth day of June, eighteen hundred and twenty-two.

2d sec. of act of 8th May, 1792,

2d sec. of act of 16th July, 1798,

And 7th sec. of act of 3d March, 1817,

Repealed after 30th June, 1822,

SEC. 2. *And be it further enacted*, That, on the day and year last aforesaid, all moneys which may remain in the hands of the Treasurer of the United States, as agent of the war and navy departments, shall, under the direction of the secretaries of those departments, respectively, be repaid into the treasury, and carried to the credit of the proper department upon the books of the treasury.

On the 30th June, 1822, all moneys remaining in the hands of the treasurer, as agent of the war and navy departments, to be repaid into the treasury, &c.

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

All moneys for the use of the war and navy departments, to be

1822. 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.

drawn by warrant of the secretary of the treasury, upon requisitions of the secretaries of war and navy, &c.
So much of act of 3d March, 1817, as is repugnant, &c. repealed, &c.

SEC. 4. *And be it further enacted*, That so much of the said act of the third day of March, eighteen hundred and seventeen, as is repugnant to the foregoing provisions, be, and is hereby, repealed, from and after the thirtieth day of June, eighteen hundred and twenty-two.

APPROVED, May 7, 1822.

NOTE.—In the appropriation acts passed since the first session of the seventeenth Congress, inclusive, [1821-'22,] there is a proviso, that no money shall be paid to any person who is in arrears to the United States, until such person has paid into the treasury all sums for which he may be liable. The accounting officer, on demand of the party whose pay is withheld, is to report to the agent of the treasury, who is to order suit within sixty days. By act of Jan. 25, 1828, this proviso was changed into the form of a separate law.

AN ACT authorizing an additional naval force for the suppression of piracy.

[Obsolete.]

President authorized to purchase or construct vessels, to fit, equip, and man them for immediate service, for repressing piracy, and protecting the citizens and commerce of the U. S. in the gulf of Mexico, and seas and territories adjacent.
\$160,000 appropriated to such expenditure.]

SEC. 1. *Be it enacted, &c.*, That the President of the United States be, and he hereby is, authorized to purchase or construct a sufficient number of vessels, in addition to those now employed, of such burthen and construction as he may deem necessary, and to fit, equip, and man the same for immediate service, for the purpose of repressing piracy, and of affording effectual protection to the citizens and commerce of the United States in the Gulf of Mexico, and the seas and territories adjacent.

SEC. 2. *And be it further enacted*, That the sum of one hundred and sixty thousand dollars be appropriated to meet the expenditure to be incurred as aforesaid, and paid out of any money in the treasury not otherwise appropriated.

APPROVED, December 20, 1822.

AN ACT in addition to "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."

1st, 2d, 3d, and 4th sections of act of 3d March, 1819, made perpetual.

Be it enacted, &c., That the first, second, third, and fourth sections of an act, entitled "An act to protect the commerce of the United States, and punish the crime of piracy," passed on the third day of March, in the year of our Lord one thousand eight hundred and nineteen, be, and the same are hereby, continued in force, in all respects, as fully as if the said sections had been enacted without limitation, in the said act, or in the act to which this is an addition, and which was passed on the fifteenth day of May, in the year of our Lord one thousand eight hundred and twenty.

APPROVED, January 30, 1823.

AN ACT concerning the disbursement of public money.

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

No advance of public money to

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 special 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. *And be it further enacted*, That every 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, quarter-yearly, to the proper accounting officers of the treasury, with the vouchers necessary to the correct and prompt settlement thereof, within three months, at least, after the expiration of each successive quarter, if resident within the United States; and within six months if resident in a foreign country: *provided*, that nothing herein contained shall be construed to restrain the secretaries of any of the departments from requiring such returns from any officer or agent, subject to the control of such secretaries, as the public interest may require.

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, any thing 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.

APPROVED, January 31, 1823.

1823.

be made on contracts. Payments not to exceed value of articles deliver'd.

Advances may be made to disbursing officers, and to officers employed on distant stations.

Officers or agents of the U. S. to account quarter-yearly.

Secretaries may require returns oftener.

Officers or agents offending against the preceding sections, to be promptly reported to the President, & dismissed from the public service; but may be continued if he shall account satisfactorily.

No security given to, or obligations entered into with the government, to be impaired by dismissal or non-dismissal.

AN ACT in addition to the act, entitled "An act for the prompt settlement of public accounts," and for the punishment of the crime of perjury.

SEC. 3. *And be it further enacted*, That if any person shall swear or affirm falsely, touching the expenditure of public money, or in support of any claim against the United States, he

Persons swearing falsely, shall suffer as for wilful and corrupt perjury.

1823. or she shall, upon conviction thereof, suffer as for wilful and corrupt perjury.

APPROVED, March 1, 1823.

AN ACT respecting the punishment of piracy.

District courts to take cognizance 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.

APPROVED, March 3, 1823.

RESOLUTION to direct the withholding of the compensation of certain prize agents.

Compensation to be withheld from certain prize agents.

Resolved, &c., That, from and after the first day of July next ensuing, no prize agent, who has not accounted for the prize moneys with which he has heretofore been entrusted for the benefit of the officers and crews of any public armed vessel or vessels of the United States, shall receive from the treasury of the United States any salary or compensation to which he may be entitled, until he shall have accounted for, or repaid into the treasury, all sums so entrusted to him for disbursement.

APPROVED, March 3, 1823.

AN ACT further extending the term of half pay pensions to the widows and children of officers, seamen, and marines, who died in the public service.

The term of half pay pensions, to widows of officers, who died in the public service, extended.

SEC. 1. *Be it enacted, &c.*, That in all cases where provision has been made by law for five years' half pay to the widows and children of officers, seamen, and marines, who were killed in battle, or who died in the naval service of the United States, during the late war; and, also, in all cases where provision has been made for extending the term for five years, in addition to the first term of five years, the said provision shall be further extended for an additional term of five years, to commence at the end of the second term of five years, in each case, respectively, making the provision equal to fifteen years' half pay; which shall be paid out of the fund heretofore provided by law: and the said pensions shall cease, for the causes mentioned in the laws providing the same, respectively.

SEC. 2. *And be it further enacted,* That, from and after the passing of this act, the act, entitled "An act to amend and explain an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United

States," passed March the third, one thousand eight hundred and seventeen, be, and the same is hereby, repealed: *provided, however,* that nothing in this act contained shall be construed to prevent the payment of any pension already granted, until the full expiration of the period thereof; nor to affect or impair the rights of any person or persons which may have accrued during the existence of the act hereby repealed, as aforesaid.

APPROVED, January 22, 1824.

1824.

Act of 3d March,
1817, repealed.
Proviso.

AN ACT extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died, in consequence of wounds or casualties, received while in the line of their duty, on board the private armed ships of the United States, during the late war.

[Extended for the further term of five years, by act of May 23, 1828.]

Be it enacted, &c., That the pensions of all persons, who now are in the receipt thereof, under the provisions of the following laws of the United States, or either of them, to wit: an act passed March fourth, one thousand eight hundred and fourteen, entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States;" and an act passed April sixteenth, one thousand eight hundred and eighteen, entitled "An act in addition to an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States;" so far as regards persons receiving pensions from the fund arising from captures and salvage, made by the private armed vessels of the United States, be, and the same are hereby, continued, under the restrictions and regulations in the said acts contained, for and during the additional term of five years, from and after the period of the expiration of the said pensions, respectively: *provided, however,* that the said pensions shall alone be paid from the proceeds of the privateer pension fund, so called, and without recourse to the United States for any deficiency, (should such occur,) which may hereafter arise thereon: *and provided, further,* that no pension shall be paid to any such widow after her intermarriage, nor to any orphan children of such officer, seamen, or marines, after they shall have attained the age of sixteen years.

Acts of 4th Mar.
1814, and 16th of
April, 1818, ex-
tended.

Proviso: without
recourse to U. S.

APPROVED, April 9, 1824.

AN ACT authorizing an examination and survey of the harbor of Charleston, in South Carolina, of St. Mary's, in Georgia, and of the coast of Florida, and for other purposes.

[Obsolete.]

Be it enacted, &c., That the Secretary of the Navy be, and he is hereby, authorized to cause to be made, an examination and survey of the harbors of Charleston, in South Carolina, and St. Mary's, in Georgia, in reference to the expediency of establishing a navy yard at either of those places, for the building and repairing sloops of war and other vessels of an inferior class; and, also, to cause to be made and perfected an exami-

The secretary of
the navy author-
ized to have sur-
veyed the har-
bors of Charle-
ston, S. C. and St.
Mary's in Geor-
gia, for certain
purposes.

1824. nation and survey of the harbor of Pensacola, and the coast of Florida, in order to ascertain the expediency of establishing a naval depôt at Pensacola, or at such place in the vicinity of it, as may be most advantageous to the United States; and that the sum of five thousand dollars be, and the same is hereby, appropriated, for the purposes aforesaid, out of any money in the treasury not otherwise appropriated.

APPROVED, May 26, 1824.

AN ACT to revive and extend the term of certain pensions which have expired by limitation.

Pensions paid out of the privateer pension fund, and the terms for their payment, revived and extended.

Be it enacted, &c., That the pensions heretofore granted, and paid out of the privateer pension fund, to the widows and orphans of such officers, seamen, and marines, as were slain, or died in consequence of wounds, or casualties, received, while in the line of their duty, on board the private armed ships of the United States, and the terms for the payment of which had expired by limitation, before the ninth day of April, in the year of our Lord one thousand eight hundred and twenty-four, be, and the same are hereby, revived and extended to such widows and orphans, with all the advantages, and in the same manner, as if their respective terms had not expired; subject to the provisions, restrictions, and limitations of an act, passed the ninth day of April, in the year of our Lord one thousand eight hundred and twenty-four, entitled "An act extending the term of pensions granted to persons disabled, and to the widows and orphans of those who have been slain, or who have died in consequence of wounds, or casualties, received, while in the line of their duty, on board the private armed ships of the United States, during the late war."

APPROVED, May 26, 1824.

AN ACT to authorize the building of ten sloops of war, and for other purposes.

[Obsolete.]

The President to cause to be built a number of sloops of war, not exceeding ten.

SEC. 1. *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized to cause to be built, in addition to the present naval force of the United States, a number of sloops of war, not exceeding ten, to carry not less than twenty guns each, of such description and weight of metal as the President may direct; and that the sum of five hundred thousand dollars be, and the same is hereby, appropriated, for the aforesaid purpose, out of any money in the treasury not otherwise appropriated.

The whole or a part of the vessels purchased under the act for suppressing piracy, and the whole of the public vessels upon lakes Erie, Ontario, &c. to be

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause to be sold, at such time, and in such manner, as he shall judge best for the public interest, the whole, or a part, of the vessels which were purchased under the authority of the act, entitled "An act authorizing an additional naval force for the suppress-

sion of piracy ;” also, the whole of the public vessels upon lakes Erie, Ontario, and Champlain, except the ships of the line New Orleans and Chippewa, now on the stocks, under cover, at Sackett’s Harbor.

SEC. 3. *And be it further enacted*, That the proceeds of such sales shall be applied, under the direction of the President of the United States, to the repairs and building of sloops of war, which have been, or may be, authorized to be built.

APPROVED, March 3, 1825.

AN ACT authorizing the establishment of a navy yard and depôt, on the coast of Florida, in the Gulf of Mexico.

[Obsolete.]

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to select and purchase a site for a navy yard and depôt, on the coast of Florida, in the Gulf of Mexico, and to erect such buildings, and make such improvements thereon, as he may judge necessary for the accommodation and supply of the United States’ vessels of war in that quarter ; and that the sum of one hundred thousand dollars be appropriated, for effecting that object, out of any moneys in the treasury, not otherwise appropriated.

APPROVED, March 3, 1825.

AN ACT more effectually to provide for the punishment of certain crimes against the United States, and for other purposes.

SEC. 1. *Be it enacted, &c.*, That if any person or persons, within any fort, dock yard, navy yard, arsenal, armory, or magazine, the site whereof is ceded to, and under the jurisdiction of, the United States, or on the site of any light-house, or other needful building belonging to the United States, the site whereof is ceded to them, and under their jurisdiction, as aforesaid, shall wilfully and maliciously, burn any dwelling house, or mansion, house or any store, barn, stable, or other building, parcel of any dwelling or mansion house, every person, so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, suffer death.

SEC. 2. *And be it further enacted*, That if any person or persons, in any of the places aforesaid, shall, wilfully and maliciously, set fire to, or burn, any arsenal, armory, magazine, rope-walk, ship-house, warehouse, block-house, or barrack, or any store-house, barn, or stable, not parcel of a dwelling house, or any other building not mentioned in the first section of this act, or any ship or vessel, built or building, or begun to be built, or repairing, or any light-house, or beacon, or any timber, cables, rigging, or other materials for building, repairing, or fitting out, ships, or vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualling stores, arms, or other munitions of war, every person so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felo-

sold, with the exception of the ships of the line New Orleans and Chippewa.

Proceeds of such sales to be applied to the repairs &c. of sloops of war.

President of the U. S. authorized to select a site for a navy yard and depot, on the coast of Florida.

Any person within any fort, who shall maliciously burn any dwelling house, to suffer death.

Any person wilfully setting fire to any arsenal, to be fined and imprisoned.

1825.

ny, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labor, not exceeding ten years, according to the aggravation of the offence.

Any offence committed in any of the aforesaid places, the punishment of which is not provided for in this or any other law of the U. S. shall, on conviction in any court thereof, be dealt with according to the laws of the state.

SEC. 3. *And be it further enacted,* That if any offence shall be committed in any of the places aforesaid, the punishment of which offence is not specially provided for by any law of the United States, such offence shall, upon a conviction in any court of the United States having cognizance thereof, be liable to, and receive, the same punishment as the laws of the State in which such fort, dock yard, navy yard, arsenal, armory, or magazine, or other place, ceded as aforesaid, is situated, provide for the like offence, when committed within the body of any county of such State.

Murder on the high seas, or in any arm of the sea, within the jurisdiction of the U. S. punishable with death.

SEC. 4. *And be it further enacted,* That if any person or persons, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, shall commit the crime of wilful murder, or rape, or shall, wilfully and maliciously, strike, stab, wound, poison, or shoot at, any other person, of which striking, stabbing, wounding, poisoning, or shooting, such person shall afterwards die, upon land, within or without the United States, every person so offending, his or her counsellors, aiders, or abettors, shall be deemed guilty of felony, and shall, upon conviction thereof, suffer death.

Any offence committed on board any ship or vessel belonging to a citizen of the U. S. while in port, within the jurisdiction of any foreign state, by any person belonging thereto, to be cognizable, &c. by the proper court of the U. S.

SEC. 5. *And be it further enacted,* That if any offence shall be committed on board of any ship or vessel, belonging to any citizen or citizens of the United States, while lying in a port or place within the jurisdiction of any foreign state or sovereign, by any person belonging to the company of said ship, or any passenger, on any other person belonging to the company of said ship, or any other passenger, the same offence shall be cognizable and punishable by the proper circuit court of the United States, in the same way and manner, and under the same circumstances, as if said offence had been committed on board of such ship or vessel on the high seas, and without the jurisdiction of such foreign sovereign or state: *provided, always,* that if such offender shall be tried for such offence, and acquitted or convicted thereof, in any competent court of such foreign state or sovereign, he shall not be subject to another trial in any court of the United States.

Proviso.

Punishment of any person who, upon the high seas, shall, by surprise or violence, attack any ship or vessel belonging to the U. S. or to any citizen thereof, with an intent to plunder.

SEC. 6. *And be it further enacted,* That if any person or persons, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, shall, by surprise, or by open force or violence, maliciously attack, or set upon, any ship or vessel belonging in whole or part to the United States, or to any citizen or citizens thereof, or to any other person whatsoever, with an intent unlawfully to plunder the same ship or vessel,

or to despoil any owner or owners thereof of any moneys, goods, or merchandize, laden on board thereof, every person so offending, his or her counsellors, aiders, or abettors, shall be deemed guilty of felony; and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labor, not exceeding ten years, according to the aggravation of the offence.

SEC. 7. *And be it further enacted*, That if any person or persons, upon the high seas, or in any other of the places aforesaid, with intent to kill, rob, steal, commit a rape, or to do or perpetrate any other felony, shall break or enter any ship or vessel, boat or raft; or if any person or persons shall, wilfully and maliciously, cut, spoil, or destroy, any cordage, cable, buoys, buoy-rope, headfast, or other fast, fixed to any anchor or moorings, belonging to any ship, vessel, boat, or raft; every person so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, and by imprisonment and confinement to hard labor, not exceeding five years, according to the aggravation of the offence.

Of any person
whos shall attempt
to kill, rob, &c.

SEC. 8. *And be it further enacted*, That if any person or persons, upon the high seas, or in any of the places aforesaid, shall buy, receive, or conceal, or aid in concealing, any money, goods, bank notes, or other effects or things which may be the subject of larceny, which have been feloniously taken or stolen, from any other person, knowing the same to have been taken or stolen, every person, so offending, shall be deemed guilty of a misdemeanor, and may be prosecuted therefor, although the principal offender chargeable, or charged, with the larceny, shall not have been prosecuted or convicted thereof; and shall, on conviction thereof, be punished by fine, not exceeding one thousand dollars, and imprisonment and confinement to hard labor, not exceeding three years, according to the aggravation of the offence.

Of any person
buying, &c. any
goods, &c. know-
ing the same to
be the subject of
larceny.

SEC. 9. *And be it further enacted*, That if any person or persons shall plunder, steal, or destroy, any money, goods, merchandize, or other effects, from or belonging to any ship or vessel, or boat, or raft, which shall be in distress, or which shall be wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks, of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States; or if any person or persons shall wilfully obstruct the escape of any person endeavoring to save his or her life from such ship or vessel, boat or raft, or the wreck thereof, or, if any person or persons shall hold out, or show, any false light, or lights, or extinguish any true light, with intention to bring any ship or vessel, boat or raft, being or sailing upon the sea, into danger or distress, or shipwreck; every person so offending, his or her counsellors, aiders, and abettors, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and im-

Of any person
who shall plun-
der, steal, or de-
stroy any money,
goods, &c. be-
longing to any
ship or vessel, &c.
in distress.

1825. imprisonment and confinement to hard labor, not exceeding ten years, according to the aggravation of the offence.

Of any master or commander of any ship or vessel belonging in whole or in part to a citizen or citizens of the U. S. while abroad, who shall force any officer, &c. on shore to leave him behind in any foreign port or place.

SEC. 10. *And be it further enacted*, That if any master or commander of any ship or vessel, belonging in whole, or in part, to any citizen or citizens of the United States, shall, during his being abroad, maliciously, and without justifiable cause, force any officer, or mariner, of such ship or vessel, on shore, or leave him behind, in any foreign port or place, or refuse to bring home again all such of the officers and mariners, of such ship or vessel, whom he carried out with him, as are in a condition to return, and willing to return, when he shall be ready to proceed in his homeward voyage, every master or commander, so offending, shall, on conviction thereof, be punished by fine, not exceeding five hundred dollars, or by imprisonment, not exceeding six months, according to the aggravation of the offence.

Of any person wilfully, &c. setting on fire any ship or vessel of the U. S. afloat on the high seas, or any arm of the sea, within the admiralty jurisdiction of the U. States.

SEC. 11. *And be it further enacted*, That if any person or persons shall, wilfully and maliciously, set on fire, or burn, or otherwise destroy, or cause to be set on fire, or burnt, or otherwise destroyed, or aid, procure, abet, or assist in setting on fire, or burning, or otherwise destroying, any ship or vessel of war of the United States, afloat on the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular State, every person so offending shall be deemed guilty of felony, and shall, on conviction thereof, suffer death: *provided*, that nothing herein contained shall be construed to take away or impair the right of any court martial to punish any offence, which, by the law of the United States, may be punishable by such court.

Proviso.

Of any officer of the U. S. who is guilty of extortion.

SEC. 12. *And be it further enacted*, That if any officer of the United States shall be guilty of extortion, under or by color of his office, every person so offending, shall, on conviction thereof, be punished by fine, not exceeding five hundred dollars, or by imprisonment, not exceeding one year, according to the aggravation of the offence.

Forgery of letters of attorney, to receive pension or prize money, or wages.

SEC. 18. *And be it further enacted*, That if any person or persons shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any paper, writing, or instrument, in imitation of, or purporting to be, any letter of attorney, or other authority or instrument to * * * * * receive any pension, prize money, wages, or other debt or sum of money due, or to become due, from the United States; or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or willingly aid or assist in forging or counterfeiting, the name or names of any of the holders or proprietors of any such * * * * * pension, prize money, wages, or other debt or sum of money as aforesaid, in or to any such pretended letter of attorney, authority, or instrument; or shall, knowingly and fraudulently, demand, or endeavor to

have or obtain, such * * * * * pension, prize money, wages, or other debt or sum of money, or any part thereof, to be received or paid, by virtue of any such false, forged, or counterfeited letter of attorney, authority, or instrument; or shall, falsely and deceitfully, personate any true or real proprietor or holder of such * * * * * pension, prize money, wages, or other debt or sum of money, as aforesaid, and thereby transferring, or endeavoring to transfer, * * * * * or receiving, or endeavoring to receive, the money of such true or lawful holder or proprietor thereof, or the money of such person or persons, really and truly entitled to receive such * * * * * pension, prize money, wages, or other debt, or sum of money, as aforesaid, as if such offender were the true and lawful owner thereof, and entitled thereto; every person, so offending, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine, not exceeding five thousand dollars, and by imprisonment and confinement to hard labor, not exceeding ten years, according to the aggravation of the offence.

Punishment therefor.

SEC. 22. *And be it further enacted*, That if any person or persons, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular State, on board any vessel belonging in whole, or in part, to the United States, or any citizen or citizens thereof, shall, with a dangerous weapon, or with intent to kill, rob, steal, or to commit a mayhem, or rape, or to perpetrate any other felony, commit an assault, on another, such person shall, on conviction thereof, be punished by fine, not exceeding three thousand dollars, and by imprisonment and confinement to hard labor, not exceeding three years, according to the aggravation of the offence.

Of a person on the high seas, &c. using a dangerous weapon with an intent to kill, &c.

Punishment.

SEC. 23. *And be it further enacted*, That if any person or persons shall, on the high seas, or within the United States, wilfully and corruptly conspire, combine, and confederate, with any other person or persons, such other person or persons being either within or without the United States, to cast away, burn, or otherwise destroy, any ship or vessel, or to procure the same to be done, with intent to injure any person, or body politic, that hath underwritten, or shall thereafterwards underwrite, any policy of insurance thereon, or on goods on board thereof, or with intent to injure any person, or body politic, that hath lent or advanced, or thereafter shall lend or advance, any money on such vessel, on bottomry or respondentia, or shall, within the United States, build or fit out, or aid in building or fitting out, any ship or vessel, with intent that the same shall be cast away, burnt, or destroyed, for the purpose or with the design aforesaid, every person, so offending, shall, on conviction thereof, be deemed guilty of felony, and shall be punished by fine, not exceeding ten thousand dollars, and by imprisonment and confinement to hard labor, not exceeding ten years.

Of any person guilty of conspiracy, &c.

Punishment.

1826.

All acts inconsistent with this, repealed.
Proviso.

SEC. 25. *And be it further enacted*, That all acts, and parts of acts, inconsistent with the provisions of this act, shall be, and the same are hereby, repealed: *provided, nevertheless*, that all such acts, and parts of acts, shall be and remain in full force for the punishment of all offences committed before the passing of this act.

Nothing in this act to be construed so as to deprive state courts of their jurisdiction.

SEC. 26. *And be it further enacted*, That nothing in this act contained shall be construed to deprive the courts of the individual States, of jurisdiction, under the laws of the several States, over offences made punishable by this act.

APPROVED, March 3, 1825.

[The remaining sections, and parts of sections, of this act, do not refer to military crimes.]

AN ACT supplementary to "An act for the gradual increase of the navy of the United States."

The President to cause the building of one of the ships authorized by the act for the gradual increase of the navy to be suspended, & to purchase one not less than the smallest class authorized to be built by that act.

Be it enacted, &c., That the President of the United States is hereby authorized to cause the building of one of the ships, authorized by the act for the gradual increase of the navy of the United States, to be suspended, and the timber for the same to be laid up and secured. And he is hereby further authorized, if, in his opinion, the same can be done on advantageous terms to the United States, to cause to be purchased,* for the United States, a ship of not less than the smallest class authorized to be built by the said act; and for carrying such purchase into effect, the amount for which the purchase may be made may be paid out of the appropriation heretofore made for the gradual increase of the navy of the United States.

APPROVED, May 17, 1826.

RESOLUTION directing surveys and estimates for dry docks.

[Obsolete.]

The President to cause an examination to be made for a site for dry docks at certain navy yards.

Resolved, &c., That the President of the United States cause an examination and accurate survey to be made, by a skilful engineer, of a site for a dry dock, at the navy yard at Portsmouth, New Hampshire; Charlestown, Massachusetts; Brooklyn, New York; and Gosport, Virginia; and that such engineer be required to state the dimensions necessary for such docks, the advantages of each of the above named places for such establishment, the objections that apply to either, with a detailed estimate of the expense of a suitable site, and of constructing a dock at each of said places; and that the President be requested to communicate the same to Congress in the first week of the next session.

APPROVED, May 22, 1826.

* Under the authority of this act, the frigate Hudson was purchased.

RESOLUTION directing the Secretary of the Navy to apply to the Government of Pennsylvania for jurisdiction over certain lands at the navy yard, Philadelphia.

1827.

[Obsolete.]

Resolved, &c., That the Secretary of the Navy be directed to request the Government of the State of Pennsylvania to cede to the United States, jurisdiction over such lands as are owned by the United States, and improved for public purposes, at the navy yard, near Philadelphia.

State of Pennsylvania to cede to the U. S. certain lands.

APPROVED, January 24, 1827.

AN ACT to cede the jurisdiction of the territory occupied for a navy yard, in the county of Philadelphia, to the Government of the United States.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That all the jurisdiction, right, title, property and interest, of this Commonwealth, over, in, and to, the territory now in possession of the Government of the United States, and occupied as a navy yard, included within the present wall around the same, situate in the district of Southwark, in the county of Philadelphia, and bounded on the east side by the river Delaware, is hereby ceded and conveyed, together with all the buildings and appurtenances thereunto belonging, to the Government of the United States: *provided always, nevertheless*, That the cession hereby made shall continue in force so long as the same territory shall be used by the Government of the United States for the purposes of a navy yard, and no longer: *And provided, also*, That all process, civil and criminal, of the Commonwealth of Pennsylvania, shall extend into, and be effectual, within the territory hereby ceded, as if this law had not passed.

JOSEPH RITNER,

Speaker of the House of Representatives.

ALEXANDER MAHON,

Speaker of the Senate.

APPROVED, the 29th March, A. D. 1827.

J. ANDW. SHULZE.

AN ACT for the gradual improvement of the navy of the United States.

SEC. 1. *Be it enacted, &c.*, That, for the gradual improvement of the navy of the United States, the sum of five hundred thousand dollars per annum, for six years, is hereby appropriated, to be applied as in this act prescribed, and as may, hereafter, be directed by law.

\$500,000 appropriated for six years annually.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause to be procured, ship timber, suitable for the construction of vessels of the various classes now recognized in the navy of the United States; and, also, the timber proper for the construction of steam batteries; and to take the proper measures for having the said timber duly seasoned and preserved, so as to be fit for immediate use.

President authorized to cause to be procured ship timber, suitable for the construction of vessels of different classes.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to take the proper measures to preserve the live oak timber growing on the lands of the United States, and he is also authorized to reserve from sale such lands, belonging to the United States, as may be

Measures to be adopted to preserve the live oak timber, growing on the lands of the U. S.

1828. found to contain live oak, or other timber, in sufficient quantity to render the same valuable for naval purposes.

Two dry docks.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause to be constructed two dry docks, on the most approved plan, for the use of the navy of the United States, the one of said docks to be erected at some point to the south, and the other to the north, of the Potomac river.

Marine railway for the repairs of sloops of war, &c. at Pensacola.

SEC. 5. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause the necessary examinations and inquiries to be made, to ascertain the practicability and expediency of erecting a marine railway for the repair of sloops of war, and other vessels of an inferior class, at Pensacola, and, if it shall appear, from such inquiry and examination, that such railway would be useful to the navy of the United States, and can be constructed at a reasonable expense, that he cause the same to be constructed on the most approved plan.

Navy yards to be thoroughly examined.

SEC. 6. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause the navy yards of the United States to be thoroughly examined, and plans to be prepared, and sanctioned by the President, for the improvement of the same, and the preservation of the public property therein; from which plans, no deviation shall hereafter be made but by his special order.

Money appropriated, not to be transferred. Annual reports to be submitted.

SEC. 7. *And be it further enacted*, That the money appropriated by this act shall not be transferred to any other object of expenditure, nor shall any part thereof be carried to the fund denominated the surplus fund; and annual reports shall be submitted to Congress of the expenditures under this act, and the measures taken to carry the same into effect.

APPROVED, March 3, 1827.

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

No money appropriated to be paid to persons in arrears to the U. S.

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.

Proviso: nothing to be construed to extend to balances arising from the depreciation of treasury notes.

APPROVED, January 25, 1828.

AN ACT to provide for extending the term of certain pensions, chargeable on the navy and privateer pension fund.

1828.

SEC. 1. *Be it enacted, &c.*, That in all cases where provision has been made, by law, for the five years' half pay to the widows and children of officers, seamen, and marines, who were killed in battle, or who died in the naval service of the United States during the last war; and, also, in all cases where provision has been made for extending the term for five years in addition to any term of five years, the said provision shall be further extended for an additional term of five years, to commence at the end of the current or last expired term of five years in each case, respectively; making the provision equal to twenty years' half pay; which shall be paid out of the fund heretofore provided by law; and the said pensions shall cease for the causes mentioned, in the laws providing the same, respectively.

Where provision has been made by law, for half pay to widows and children of officers killed in battle, the term of certain pensions to be extended.

SEC. 2. *And be it further enacted*, That the pensions of all widows who now are, or who at any time within one year last past have been, in the receipt thereof, under the provision of the following laws of the United States, or either of them, to wit: an act passed March the fourth, one thousand eight hundred and fourteen, entitled "An act giving pensions to the orphans and widows of the persons slain in the public or private armed vessels of the United States," and an act, passed April the sixteenth, one thousand eight hundred and eighteen, entitled "An act in addition to an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," so far as regards persons receiving pensions from the fund arising from captures and salvage, made by the private armed vessels of the United States, be, and the same are hereby, continued, under the restrictions and regulations in the said acts contained, for and during the additional term of five years, from and after the period of the expiration of the said pensions, respectively: *provided, however*, that the said pensions shall be paid from the proceeds of the privateer pension fund alone, and without recourse to the United States for any deficiency, should such occur, which may hereafter arise thereon: *and provided, further*, that no such pension shall be paid to any such widow after her intermarriage had, or to be had, after she shall have become such widow.

Pensions of all widows, who are now, or who may within one year last past be in receipt thereof under provision of the following laws or either of them, continued.

Proviso.

Proviso.

APPROVED, May 23, 1828.

AN ACT to increase the pay of lieutenants in the navy.

[Obsolete.]

Be it enacted, &c., That, from and after the passing of this act, all lieutenants in the navy of the United States shall, in addition to the pay and emoluments now allowed them by law, each receive ten dollars per month, and one ration per day.

Lieutenants to receive \$10 per month and one ration per day, in addition.

APPROVED, May 24, 1828.

1828.

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

[The 4th and 5th sections of this act, and that part of the 3d which relates to pay, repealed by act of March 3, 1835, "to regulate the pay of the navy."]

No person to receive the appointment of assistant surgeon, unless examined by a board of naval surgeons.

SEC. 1. *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.

President may designate to every fleet or squadron, an intelligent surgeon, to be denominated, "surgeon of the fleet."

SEC. 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; and who, in addition to the compensation allowed to surgeons at sea, shall be allowed double rations while acting as surgeon of the fleet as aforesaid.

Assistant surgeons who have been commissioned less than five years to receive each \$30 a month and 2 rations a day.

SEC. 3. *And be it further enacted*, That assistant surgeons, who shall have been commissioned less than five years, shall each receive thirty dollars a month, and two rations a day; after five years' service, they shall be entitled to an examination by a board of naval surgeons, constituted as aforesaid, and having been approved and passed by such board, they shall each receive an addition of five dollars a month, and one ration a day; and, after ten years' service, a further addition of five dollars a month, and one ration a day.

Every surgeon who shall have received his appointment as herein provided for, to receive \$50 per month and 2 rations a day.

SEC. 4. *And be it further enacted*, That every surgeon who shall have received his appointment, as is hereinbefore provided for, shall receive fifty dollars a month, and two rations a day; after five years' service, he shall be entitled to receive fifty-five dollars a month and an additional ration a day; and after ten years' service, he shall receive sixty dollars a month and an additional ration a day; and, after twenty years' service, he shall receive seventy dollars a month and the rations as last aforesaid. [See explanatory act, Jan. 21, 1829.]

Every assistant surgeon, after having faithfully served for two years, while in actual service at sea, to receive \$5 per month in

SEC. 5. *And be it further enacted*, That every assistant surgeon (after having faithfully served two years) shall, while in actual service at sea, in addition to the usual compensation allowed him by law, receive double rations, and five dollars a month; and every surgeon in the navy, while in actual service

at sea, shall also, in addition to his usual compensation, receive double rations, and ten dollars a month.

APPROVED, May 24, 1828.

1831.

addition to the usual compensation.

AN ACT to amend an act, entitled "An act for the better organization of the medical department of the navy," approved 24th May, 1828.

[Obsolete.]

Be it enacted, &c., That every surgeon, who was in the navy at the time of the passage of the act for the better organization of the medical department of the navy, approved twenty-fourth May, one thousand eight hundred and twenty-eight, shall be entitled to the additional pay and rations (according to length of service) provided for by the fourth section of that act, notwithstanding such surgeons may not have been examined, or received their appointments in the manner prescribed by the first section thereof.

Exemption of certain surgeons in the navy, from certain requisites to the allowance of pay and rations provided for by act of May, 1828.

APPROVED, January 21, 1829.

RESOLUTION in relation to the compensation of officers of the marine corps.
[Continued by resolution of May 25, 1832, until altered by law.]

Resolved, &c., That the pay, subsistence, emoluments and allowances, received by the officers of the marine corps, previous to the first of April, eighteen hundred and twenty-nine, be, and the same is hereby, directed to be continued to them from that date up to the twenty-eighth of February, one thousand eight hundred and thirty-one.

Pay, &c. previous to April 1, 1829, continued to Feb. 28, 1831.

APPROVED, May 29, 1830.

AN ACT to authorize the construction of three schooners for the naval service of the United States.

[Obsolete.]

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be built, equipped, and employed in the naval service of the United States, three schooners,* not exceeding twelve guns each; and that the sum of eighty-seven thousand three hundred and sixty dollars be, and the same is hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, for the purpose of carrying the foregoing provisions into effect.

\$87,360 appropriated.

APPROVED, February 3, 1831.

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.

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 pro-

Any person cutting, or destroying,

* The vessels built under the authority of this act, are the Enterprise, Boxer, and Experiment.

1831. cure 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 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.
- live oak, cedar or other timber; or
- Any person removing the same,
- Any person cutting, or, &c.
- to pay a fine triple the value.
- Vessels employed in taking away timber,
- to be forfeited;
- Captain to be fined.
- Penalties, how to be sued for.
- Mitigation of penalty.
- 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.
- 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. 1832.

APPROVED, March 2, 1831.

RESOLUTION empowering the Secretary of the Navy to settle certain contracts, and to relinquish certain forfeitures.

Resolved, &c., That the Secretary of the Navy be empowered to relinquish and pay all forfeitures on contracts made by the board of navy commissioners, when said forfeitures have arisen by the extension of the contracts, or where the contracts have been completed by the approbation of the board of navy commissioners, without any injury to the public service; and the Secretary of the Navy is empowered to fulfil all outstanding contracts where the time for their performance has been extended, or where the completion of said contracts has been prevented by unavoidable accident, and the public service has sustained no injury.

Certain contracts to be settled.

Outstanding contracts, under certain circumstances, to be fulfilled.

APPROVED, February 10, 1832.

AN ACT authorizing the revision and extension of the rules and regulations of the naval service.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to constitute a board of naval officers, to be composed of the naval commissioners and two post captains, to meet at the seat of Government, whose duty it shall be, with the aid and assistance of the Attorney General, carefully to revise and enlarge the rules and regulations governing the naval service, with the view to adapt them to the present and future exigencies of this important arm of national defence, which rules and regulations, when approved by him and sanctioned by Congress, shall have the force of law, and stand in lieu of all others heretofore enacted.

Board to be constituted.

APPROVED, May 19, 1832.

RESOLUTION respecting the pay of the marines.

Resolved, &c., That the pay, subsistence, emoluments, and allowances of officers, non-commissioned officers, musicians, and privates of the United States marine corps, shall be the same as they were previously to the first of April, one thousand eight hundred and twenty-nine, and shall so continue until they shall be altered by law.

Pay, &c. to be the same as prior to April, 1, 1829.

APPROVED, May 25, 1832.

AN ACT further to extend the pension[s] heretofore granted to the widows of persons killed, or who died in the naval service.

SEC. 1. *Be it enacted, &c.*, That in all cases, where provision has been made by law, for the five years' half pay to wi-

Pensions heretofore granted to be continued to

1832. the widows of certain persons for an additional term of 5 years. dows and children of officers, seamen, and marines, who were killed in battle, or who died in the naval service of the United States; and, also, in all cases where provision has been made for extending the term for five years, in addition to any term of five years, the said provision shall be, and is hereby, further extended for an additional term of five years, so far as respects widows only, to commence at the end of the current or last expired term of five years in each case, respectively; which pension shall be paid out of the fund heretofore provided by law. And the pension herein continued shall cease for the causes mentioned in the laws granting the same, respectively.

To commence, &c.

Shall cease for the causes mentioned.

Provisions of this act to be extended to.

SEC. 2. *And be it further enacted*, That the provisions of this act shall be extended to the widows of all those who may have died by reason of wounds received during the war.

APPROVED, June 28, 1832.

AN ACT to authorize the President of the United States to direct transfers of appropriation in the naval service, under certain circumstances.

[Renewed, without limitation, June 30, 1834.]

Transfers of appropriations in the naval service authorized.

Special accounts of the moneys transferred, and of their application, to be laid before Congress.

Be it enacted, &c., That, upon the application of the Secretary of the Navy, the President of the United States shall have authority, whenever, in his opinion, the unforeseen contingencies of the public service may require it, to direct that a part of the money appropriated for a particular branch of the naval service be applied to another branch of the said service; in which case, a special account of the moneys thus transferred, and of their application, shall be laid before Congress before its adjournment, if then in session, and during the first week of the next ensuing session, if such transfer be made in the recess of Congress.

This act shall continue in force until the close of the next session of Congress, and no longer.

APPROVED, July 3, 1832.

AN ACT to finish the re-building of the frigate *Macedonian*.

[Obsolete.]

§207,984 appropriated.

Be it enacted, &c., That, for the purpose of finishing the re-building of the frigate *Macedonian*, the sum of two hundred and seven thousand nine hundred and eighty-four dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated.

APPROVED, July 10, 1832.

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

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

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, 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.

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Permanent agent
to be appointed
for the navy yard
and navy depart-
ment.

APPROVED, July 10, 1832.

AN ACT to provide for rebuilding the frigate Java and the sloop Cyane.

Be it enacted, &c., That the sum of fifty thousand five hundred dollars be, and the same is hereby, appropriated, payable out of any money in the treasury not otherwise appropriated, for the purpose of purchasing timber to rebuild the frigate Java and the sloop Cyane.

\$50,500 appropri-
ated.

APPROVED, July 10, 1832.

AN ACT to provide iron tanks for the use of the navy of the United States.

[Obsolete.]

Be it enacted, &c., That, for the purchase of iron tanks for the use of the vessels of war of the United States in commission, the sum of one hundred and thirty-one thousand seven hundred and ninety-five dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated.

\$131,795 appropri-
ated.

APPROVED, July 10, 1832.

AN ACT authorizing the construction of naval hospitals at the navy yards at Charlestown, Massachusetts, Brooklyn, New York, and Pensacola.

[Obsolete.]

SEC. 1. *Be it enacted, &c.,* That the Secretary of the Navy be, and he is hereby, authorized, under the direction of the President of the United States, to cause to be constructed, for the use of the navy of the United States, proper hospitals at or near each of the following places, to wit: the navy yard at Charlestown, Massachusetts, the navy yard, Brooklyn, New York, and the navy yard Pensacola.

Naval hospitals
to be constructed.

SEC. 2. *And be it further enacted,* That there be, and hereby is, appropriated, for the construction of such hospital at Charlestown aforesaid, twenty-six thousand dollars; at Brooklyn aforesaid, twenty thousand dollars; and at Pensacola, thirty thousand dollars; to be paid out of any money in the treasury not otherwise appropriated.

Appropriations.

\$26,000.

\$20,000.

\$30,000.

APPROVED, July 10, 1832.

AN ACT to carry into effect the act to provide for a survey of the coast of the United States.

SEC. 1. *Be it enacted, &c.,* That, for carrying into effect the

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\$20,000 appropriated.

Act revived, and extended to coasts of Florida.

President authorized to use maps, charts, books, &c.

and to employ certain persons in execution of said act.

Proviso.

act, entitled "An act to provide for surveying the coasts of the United States," approved on the tenth day of February, one thousand eight hundred and seven, there shall be, and hereby is, appropriated, a sum not exceeding twenty thousand dollars, to be paid out of any money in the treasury not otherwise appropriated; and the said act is hereby revived, and shall be deemed to provide for the survey of the coasts of Florida, in the same manner as if the same had been named therein.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, in and about the execution of the said act, to use all maps, charts, books, instruments, and apparatus, which now, or hereafter may, belong to the United States, and employ all persons in the land and naval service of the United States, and such astronomers and other persons as he shall deem proper: *provided*, that nothing in this act, or the act hereby revived, shall be construed to authorize the construction or maintenance of a permanent astronomical observatory.

APPROVED, July 10, 1832.

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

Commissioners directed to close accounts as trustees of certain funds, and to pay over balance to treasurer of U. S. use of secretary of the navy, for the payment, &c. Upon such assignment and transfer, commissioners to be released and discharged from all further trust.

Secretary of the navy constituted trustee.

Applications for pensions.

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 trust 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.

Certain moneys to be invested in bank stock of U. S. bank.

Secretary of the treasury authorized to sell stock at par value, and receive navy pension funds in payment.

SEC. 2. *And be it further enacted*, That the balance of cash now on hand, and all moneys that may hereafter arise to said pension funds from stocks redeemed, or from any other source, shall be immediately invested, under the direction of the Secretary of the Navy, in the bank stock of the Bank of the United States; and that the Secretary of the Treasury be, and hereby is, authorized to sell so much of the stock of the United States in said bank, at the par value thereof, as said navy pension funds will pay for, and to receive said navy pension funds in payment thereof; the said bank stock to be held in the name of the Treasurer of the United States for the purpose aforesaid.

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 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.

1832.

Books to be opened and accounts kept, showing condition of certain funds.

Abstract to be reported to Congress annually.

SEC. 4. *And be it further enacted*, That the Secretary of the Navy shall be, and he is hereby, authorized to appoint a clerk, who shall perform all the duties which shall be required of him in relation to said funds; and shall receive as a full compensation for his services, and in lieu of all commissions or other allowances, a salary of one thousand six hundred dollars, to be paid quarter-yearly, out of the treasury of the United States.

Clerk to be appointed.

Salary \$1,600.

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.

AN ACT for the relief of the invalid pensioners of the United States.

Be it enacted, &c., That an act, entitled "An act regulating the payments to invalid pensioners," approved the third day of March, one thousand eight hundred and nineteen, be, and the same is hereby, repealed.

Act of 3d March, 1819, repealed.

APPROVED, July 14, 1832.

AN ACT concerning certain officers of the marine corps.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized to cause to be allowed and paid to such officers of the marine corps, as have heretofore received the brevet rank of majors in said corps, the amount of pay and emoluments to which they would have been entitled as commandants of separate stations, if said brevet rank had been recognized by the navy department: *provided*, that no officer shall receive, under this act, more than the difference between the pay and emoluments actually received by them, and those to which their said brevet rank would have entitled them as aforesaid.

Allowance authorized to certain officers of the marine corps.

Proviso.

APPROVED, July 14, 1832.

1833. AN ACT in addition to the act for the gradual improvement of the navy of the United States.

\$500,000 annually for 6 years.

SEC. 1. *Be it enacted, &c.*, That, for the gradual improvement of the navy of the United States, the sum of five hundred thousand dollars, out of any money in the treasury not otherwise appropriated, be, and the same is hereby, appropriated, annually, for six years, from and after the third day of March, eighteen hundred and thirty-three, when the present appropriation expires.

To be applied as directed by act March 3, 1827.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized and empowered to cause the abovementioned appropriation to be applied, as directed and prescribed by the act of the third of March, eighteen hundred and twenty-seven, to which this is in addition, the provisions whereof are hereby continued in force for the term abovementioned, and to be applied, also, to the purchase of other necessary materials, as well as timber, suitable for the construction of vessels of war.

Provision for preservation of live oak.

SEC. 3. *And be it further enacted*, That, in addition to the provisions now in force on the subject of the live oak growing on the public lands, it shall be the duty of all collectors of the customs within the territory of Florida, and the States of Alabama, Mississippi, and Louisiana, before allowing a clearance to any vessel laden, in whole or in part, with live oak timber, to ascertain satisfactorily that such timber was cut from private lands, or, if from public ones, by consent of the navy department. And it is hereby made the duty of all officers of the customs, and of the land officers within said territory and States, to cause prosecutions to be seasonably instituted against all persons known to be guilty of depredations on, or injuries to, the live oak growing on the public lands.

APPROVED, March 2, 1833.

AN ACT to improve the condition of the non-commissioned officers and privates of the army and marine corps of the United States, and to prevent desertion.

[The provisions of this act, so far as they relate to the marine corps, superseded by act of June 30, 1834, "for the better organization of the U. S. marine corps."]

Army:
Term of enlistment, and pay.

SEC. 1. *Be it enacted, &c.*, That, from and after the passage of this act, all enlistments in the army of the United States shall be for three years; and that the monthly pay of the non-commissioned officers and soldiers shall be as follows, to wit: to each sergeant major, quartermaster sergeant, and chief musician, sixteen dollars; to the first sergeant of a company, fifteen dollars; to all other sergeants, twelve dollars each; to each artificer, ten dollars; to each corporal, eight dollars; and to each musician and private soldier, six dollars; and that all enlistments in the marine corps shall be for four years, and that the monthly pay of the non-commissioned officers and soldiers in said corps shall be as follows, viz: to each sergeant major and

Marine corps:
Term of enlistment, and pay.

quartermaster sergeant, seventeen dollars; to the drum major, fife major, the orderly sergeants of posts, and first sergeants of guards at sea, sixteen dollars each; to all other sergeants, thirteen dollars; to each corporal, nine dollars; to each musician, eight dollars; and to each private, seven dollars.

SEC. 2. *And be it further enacted,* That one dollar of the monthly pay of every musician and private soldier shall be retained until the expiration of the two first years of their enlistment, when each shall receive the twenty-four dollars retained pay, which shall have so accrued: *provided,* he shall have served honestly and faithfully that portion of the term of his first enlistment. \$1 of monthly pay to be retained, &c.

SEC. 3. *And be it further enacted,* That every able bodied musician or private soldier, who may re-enlist into his company or regiment, within two months before, or one month after, the expiration of his term of service, shall receive two months' extra pay, besides the pay and other allowances which may be due to him on account of the unexpired period of any enlistment. Bounty for re-enlistment.

SEC. 4. *And be it further enacted,* That every able bodied musician or soldier, who shall re-enlist into his company or regiment, as specified in the third section of this act, shall receive his full pay, at the rate of six dollars per month, without any temporary deduction therefrom. Pay of re-enlisted men.

SEC. 5. *And be it further enacted,* That no premium to officers for enlisting recruits; nor bounties to recruits for enlisting, shall be allowed after the passage of this act. Premiums and bounties abolished.

SEC. 6. *And be it further enacted,* That no person who has been convicted of any criminal offence shall be enlisted into the army of the United States. No convict to be enlisted.

SEC. 7. *And be it further enacted,* That the seventh section* of the act, entitled "An act making further provision for the army of the United States," passed on the sixteenth May, one thousand eight hundred and twelve, be, and the same is hereby, repealed, so far as it applies to any enlisted soldier, who shall be convicted by a general court martial of the crime of desertion. 7th sec. act May 16, 1812, repealed.

APPROVED, March 2, 1833.

AN ACT to authorize the President of the United States to exchange certain lands belonging to the navy yard at Brooklyn, for other lands contiguous thereto.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to execute a conveyance to the corporation of the village of Brooklyn, in the State of New York, of the interest of the United States in certain lands forming a part of the navy yard at said village of Brooklyn, and de- President may execute conveyance.

* The effect of this repeal is, to restore "the infliction of corporeal punishment by stripes or lashes," when ordered by sentence of a court martial for the crime of desertion

1834. Condition. signed in a petition from said corporation to Congress, on condition that said corporation convey a good title to the United States of such other property contiguous to said yard, and obtain releases to the United States of certain parts of said yard now in controversy, so that, in his opinion, the conveyances from said corporation shall be equally beneficial to the United States as the property granted to said corporation.

APPROVED, March 2, 1833.

AN ACT further to extend the term of certain pensions chargeable on the privateer pension fund.

Pensions given under the acts of March 4, 1814, & April 16, 1818, to be continued for five years longer.

Be it enacted, &c., That the pensions of all widows who now are, or have been heretofore, in the receipt thereof, under the provision of the act entitled "An act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," passed the fourth day of March, one thousand eight hundred and fourteen, and the act entitled "An act in addition to an act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States," passed the sixteenth day of April, one thousand eight hundred and eighteen, or either of said acts, so far as regards persons receiving pensions from the fund arising from captures and salvage made by the private armed vessels of the United States, be, and the same are hereby, continued, under the restrictions and regulations in the said acts contained, for and during the additional term of five years from and after the period of the expiration of the said pensions, respectively: *provided, however*, that the said pensions shall be paid from the proceeds of the privateer pension fund, and without recourse to the United States for any deficiency which may hereafter arise thereon, if any such there be: *and provided, further*, that no such pension shall be paid to any widow after her intermarriage had, or to be had.

Proviso.

Further proviso.

APPROVED, June 19, 1834.

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

Of what the corps shall consist.

SEC. 1. *Be it enacted, &c.*, That, from and after the passage of this act, the marine corps shall consist of the following officers, non-commissioned officers, musicians and privates, viz. one colonel commandant, one lieutenant colonel, four majors, thirteen captains, twenty first lieutenants, twenty second lieutenants, one adjutant and inspector, one paymaster, one quartermaster, one assistant quartermaster, one sergeant major, one quartermaster sergeant, one drum major, one fife major, eighty sergeants, eighty corporals, thirty drummers, thirty fifers, and one thousand privates.

To be subject to the laws for the government of the navy. Except when on service with the army.

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.

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. 1834.
Enlistments to be for 4 years, and marines exempt from 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. Rank of officers as in the army.
Proviso.

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.

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

SEC. 7. *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 according to rank, 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. Existing commissions not vacated.

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. President to prescribe regulations

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 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. Parts of former acts repealed.
Brevet rank.
Proviso.

SEC. 10. *And be it further enacted*, That all acts or parts All acts inconsis-

1834. of acts inconsistent with the provisions of this act be, and the same are hereby repealed.

APPROVED, June 30, 1834.

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.

Brevet rank may be conferred by the President in certain cases. 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.

APPROVED, July 6, 1812.

Brevet officers to receive pay, &c. of brevet rank only when on duty with a corresponding command. Brevet commissions hereafter only with consent of the senate.

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.

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.

APPROVED, April 16, 1818.

AN ACT concerning naval pensions, and the navy pension fund.

Act of 20th June, 1832, prolonged for 5 years.

SEC. 1. *Be it enacted, &c.*, That all the provisions and benefits of the act of the twenty-eighth of June, one thousand eight hundred and thirty-two, entitled, "An act further to extend the pension heretofore granted to the widows of persons killed, and who died in the naval service," be continued for another term of five years to all those widows who have heretofore had the benefit of the same, and the same are hereby also extended to the widows of officers, seamen, and marines, who have died in the naval service since the first day of January, one thousand eight hundred and twenty-four, or who may die in said service, by reason of disease contracted, or of casualties by drowning or otherwise, or of injuries received while in the line of their duty, and the pensions of such widows shall commence from the passage of this act : *provided*, that every pension hereby granted shall cease on the death or marriage of such widow.

Proviso.

Cost of stock of bank of Columbia, to be reimbursed.

SEC. 2. *And be it further enacted*, That there be reimbursed to the navy pension fund, out of any money in the treasury not otherwise appropriated, the cost of the stock of the Bank of Columbia, heretofore purchased by the commissioners of the said fund, and which now remains unredeemed by the said bank, together with interest thereon from the period at which said bank ceased to pay interest, to the time of the reimbursement, herein directed to be made ; and at the period of said reimbursement, the said stock shall be transferred, by the Secretary of the Navy, to the Treasurer of the United States.

APPROVED, June 30, 1834.

AN ACT making certain allowances, and granting certain arrearages, to the captains and subalterns of the United States corps of marines.

SEC. 1. *Be it enacted, &c.*, That, from and after the passage of this act, the Secretary of the Navy be, and he is hereby, authorized to extend the benefits of the act of March, one thousand eight hundred and twenty-seven, entitled "An act giving certain compensation to the captains and subalterns of the army of the United States in certain cases,"* to the captains and subalterns of the corps of the United States marines under similar cases.

Act of March, 1827, extended to marine corps.

SEC. 2. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized to cause to be settled, by the proper accounting officers of the department, all arrearages of pay and allowances which shall be found due the said captains and subalterns of the United States corps of marines from the period at which the act of March, one thousand eight hundred and twenty-seven, above referred to, went into operation, up to the passage of this act; and that the same be paid out of any moneys in the treasury not otherwise appropriated.

Arrearage of pay to be allowed accordingly.

APPROVED, June 30, 1834.

* AN ACT giving further compensation to the captains and subalterns of the army of the United States, in certain cases.

SEC. 1. *Be it enacted, &c.*, That, from and after the passing of this act, each captain and subaltern in the army shall be allowed one additional ration.

SEC. 2. *And be it further enacted*, That every officer in the actual command of a company in the army of the United States, shall be entitled to receive ten dollars per month additional pay, as compensation for his duties and responsibilities, with respect to the clothing, arms and accoutrements of the company, whilst he shall be in the actual command thereof: *provided*, That no subaltern officer who shall be in the performance of any staff duty, for which he receives an extra compensation, shall be entitled to the additional ration herein provided for.

APPROVED, March 2, 1827.

AN ACT to authorize the President of the United States to direct transfers of appropriations in the naval service, under certain circumstances.

Be it enacted, &c., That, upon the application of the Secretary of the Navy, the President of the United States shall have authority, whenever, in his opinion, the contingencies of the public service may require it, at any period between the close of the year, and the passage of the new naval appropriation bills, to direct, that a part of the money appropriated for a particular branch of the naval service the former year, to be applied to another branch of the said service; in which case a special account of the moneys thus transferred, and of their application, shall be laid before Congress previous to its adjournment.

President may direct transfers between the close of the year and the passage of a new naval appropriation bill.

Account thereof to be laid before Congress.

APPROVED, June 30, 1834.

AN ACT authorizing the purchase of live oak frames for a frigate and sloop of war, and for other naval purposes.

SEC. 1. *Be it enacted, &c.*, That the Secretary of the Navy be, and he is hereby, authorized to direct the procurement, in

\$50,000 for frames for a frigate and a sloop of war.

1834. the usual mode, of a live oak frame for a frigate to be called the Paul Jones, and a live oak frame for a sloop of war to be called the Levant; and the sum of fifty thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, for that purpose.

\$40,000 for a store ship.

SEC. 5. *And be it further enacted*, That the sum of forty thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the building of a naval store ship. [Completed.]

\$70,000 for two small vessels.

SEC. 6. *And be it further enacted*, That the sum of seventy thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the building of two small vessels of war, to be rigged as brigs or schooners, at the discretion of the navy department.*

APPROVED, June 30, 1834.

AN ACT to provide for rebuilding the frigate Congress.

\$181,000.

Be it enacted, &c., That the sum of one hundred and eighty-one thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to rebuild the frigate Congress; and no part of said sum shall be carried to the surplus fund, notwithstanding any general provision in any other act to the contrary.

APPROVED, June 30, 1834.

AN ACT authorizing the Secretary of the Navy to make experiments for the safety of the steam engine.

[Obsolete.]

Secretary of the navy to test the engine devised by B. Phillips.

SEC. 1. *Be it enacted, &c.*, That the Secretary of the Navy be, and he is hereby, authorized and empowered to examine and test the steam engine devised by Benjamin Phillips, of Philadelphia, and to [employ] said Phillips, and such other persons as he may deem proper, to make the experiment.

And to test such other improvements as he may deem proper.

SEC. 2. *And be it further enacted*, That a discretionary power be vested in the Secretary of the Navy to examine and test such other improvements in the same line as may hereafter be presented, and for that purpose to employ such person or persons as he may deem proper; and that he report to Congress, as soon as may be, the result of any experiment made in pursuance of this act.

\$5,000 appropriated for that purpose.

SEC. 3. *And be it further enacted*, That, for the purpose of carrying this act into execution, the sum of five thousand dollars, out of any money in the treasury not otherwise appropriated, be, and is hereby, appropriated, and placed at the disposal of the Secretary of the Navy.

APPROVED, June 30, 1834.

* Brigs Dolphin and Porpoise built under authority of this section.

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

1835.

SEC. 1. *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:

THE SENIOR CAPTAIN.

At all times when in service, four thousand five hundred dollars. \$4,500 when in service.

When on leave of absence, or waiting orders, three thousand five hundred dollars. \$3,500 when waiting orders.

ALL OTHER CAPTAINS.

When in command of squadrons on foreign stations, four thousand dollars. \$4,000 when commanding squadrons.

When on other duty, three thousand five hundred dollars. \$3,500 on other duty.

When off duty, two thousand five hundred dollars. \$2,500 when off duty.

COMMANDERS, OR MASTERS COMMANDANT.

When attached to vessels for sea service, two thousand five hundred dollars. \$2,500 on sea service.

When attached to navy yards, or on other duty, two thousand one hundred dollars. \$2,100 at navy yards.

When on leave of absence, or waiting orders, one thousand eight hundred dollars. \$1,800 when waiting orders.

LIEUTENANTS.

Commanding, one thousand eight hundred dollars. \$1,800 when commanding.

On other duty, one thousand five hundred dollars. \$1,500 on other duty.

Waiting orders, one thousand two hundred dollars. \$1,200 waiting orders.

ASSISTANT SURGEONS.

Waiting orders, six hundred and fifty dollars. \$650 waiting orders.

At sea, nine hundred and fifty dollars. \$950 at sea.

After passing and found qualified for promotion to surgeon, eight hundred and fifty dollars. \$850 after passing.

At sea, one thousand two hundred dollars. \$1,200 at sea.

When stationed at navy yards, hospitals, rendezvous, and receiving ships, nine hundred and fifty dollars. \$950 at navy yards, &c.

After being passed and stationed as above, one thousand one hundred and fifty dollars. \$1,150 when passed and so stationed.

SURGEONS.

For the first five years after the date of his commission, one thousand dollars. \$1,000 for first 5 years.

For the second five years, one thousand two hundred dollars. \$1,200 for second 5 years.

For the third five years, one thousand four hundred dollars. \$1,400 for third 5 years.

For the fourth five years, one thousand six hundred dollars. \$1,600 for fourth 5 years.

After he shall have been commissioned as a surgeon twenty years and upwards, one thousand eight hundred dollars. \$1,800 if commissioned 20 years.

All surgeons of the navy under orders for duty, at navy yards, receiving vessels, rendezvous, or naval hospitals, shall have an increase of one-fourth of the foregoing amount of their respective annual pay, from the date of their acceptance of such orders. One fourth increase of pay, &c.

All surgeons of the navy ordered to any of the ships or vessels of the United States, commissioned for sea service, shall One third increase, &c.

1835. have an increase of one-third of the foregoing amount of their respective annual pay, from the date of their acceptance of such orders.
- One half increase &c. All surgeons of the navy, ordered as fleet surgeons, shall have an increase of one-half of their respective annual pay, from the date of their acceptance of such orders.

CHAPLAINS.

- \$1200 when attached to vessels, &c. When attached to vessels for sea service, or at navy yards, one thousand two hundred dollars.
- \$800 when absent on leave, &c. When on leave of absence, or waiting orders, eight hundred dollars.

PROFESSOR OF MATHEMATICS.

- \$1200. When attached to vessels for sea service, or in a yard, one thousand two hundred dollars.

SECRETARIES.

- \$1000. To commanders of squadrons, when commanding in chief, one thousand dollars.
- \$900. To commanders of squadrons, when not commanding in chief, nine hundred dollars.

SAILINGMASTERS.

- \$1100. Of a ship of the line, for sea service, one thousand one hundred dollars.
- \$1000. When on other duty, one thousand dollars.
- \$750. When on leave of absence, or waiting orders, seven hundred and fifty dollars.

SECOND MASTERS.

- \$750. When attached to vessels for sea service, seven hundred and fifty dollars.
- \$500. When on other duty, five hundred dollars.
- \$400. When on leave of absence, or waiting orders, four hundred dollars.

PASSED MIDSHIPMEN.

- \$750 when on duty. On duty, seven hundred and fifty dollars.
- \$600 when waiting orders. Waiting orders, six hundred dollars.

WARRANTED MASTERS' MATES.

- \$450. When attached to vessels for sea service, or at navy yards, four hundred and fifty dollars.
- \$300. When on leave of absence, or waiting orders, three hundred dollars.

MIDSHIPMEN.

- \$400. When attached to vessels for sea service, four hundred dollars.
- \$350. When on other duty, three hundred and fifty dollars.
- \$300. When on leave of absence, or waiting orders, three hundred dollars.

CLERKS.

- \$900. Of a yard, nine hundred dollars.
- \$500. First clerk to a commandant of a navy yard, nine hundred dollars.

Second clerk to a commandant of a navy yard, seven hundred and fifty dollars. 1835.

To commanders of squadrons, captains of fleets, and commanders of vessels, five hundred dollars. \$750.
\$500.

BOATSWAINS, GUNNERS, SAILMAKERS, CARPENTERS.

Of a ship of the line, for sea service, seven hundred and fifty dollars. \$750.

Of a frigate for sea service, six hundred dollars. \$300.

When on other duty, five hundred dollars. \$500.

When on leave of absence, or waiting orders, three hundred and sixty dollars. \$360.

Officers temporarily performing the duties belonging to those of a higher grade, shall receive the compensation allowed to such higher grade, while actually so employed. Officers temporarily performing duties.

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. Officers on furlough.

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. Rank of assistant surgeons under certain circumstances.

One ration per day, only, shall be allowed to all officers when attached to vessels for sea service. Ration to officers on sea service.

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. No allowance for drawing bills, &c.

APPROVED, March 3, 1835.

AN ACT authorizing the construction of a dry dock for the naval service.

Be it enacted, &c., That the Secretary of the Navy, under the direction of the President of the United States, be, and he is hereby, authorized to purchase a site, should it be deemed most advisable, and to cause a dry dock for the naval service to be constructed, upon the most approved plan, in the harbor of New York or its adjacent waters; and that toward defraying the expense thereof, the sum of one hundred thousand dollars \$100,000 towards construction of a dry dock in the harbor of New York.

1836. be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, March 3, 1835.

AN ACT making appropriations for the civil and diplomatic expenses of Government for the year 1836.

Statements to be presented to Congress by the Executive Departments, &c.

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, and of the Postmaster General, and the Secretary of the Senate, and Clerk of the House of Representatives, 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 and offices; that of the Secretary of State to include all the contingent expenses of foreign intercourse, and of all the missions abroad, except such expenditures as are settled upon the certificate of the President; 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.

AN ACT explanatory of the act entitled "An act to prevent defalcations on the part of disbursing agents of the Government, and for other purposes."

Act of Jan. 1828, not to apply to pensions.

Be it enacted, &c., That the act entitled "An act to prevent defalcations on the part of the disbursing agents of the Government, and for other purposes," approved the twenty-fifth of January, eighteen hundred and twenty-eight, shall not be construed to authorize the pension of any pensioner of the United States to be withheld.

APPROVED, May 20, 1836.

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

Boys may be enlisted.

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; and so much of an act entitled "An act to amend the act entitled 'An act to amend the act authorizing the employment of an additional naval force,'" approved fifteenth May, one thousand eight hundred and twenty, as is inconsistent with the provisions of this act, shall be, and is hereby, repealed.

Other persons may be enlisted for 5 years.

So much of act 15th May, 1820, as is inconsistent with this act, repealed.

Any person whose time ex-

SEC. 2. *And be it further enacted*, That when the time of service of any person enlisted for the navy shall expire, while

he is on board any of the public vessels of the United States employed on foreign service, it shall be the duty of the commanding officer of the fleet, squadron, or vessel in which such person may be, to send him to the United States in some public or other vessel, unless his detention shall be essential to the public interests, in which case the said officer may detain him until the vessel in which he shall be serving shall return to the United States; and it shall be the duty of said officer, immediately to make report to the navy department of such detention, and the causes thereof.

1837.

Persons while on foreign service, to be sent to U. S. &c.

SEC. 3. *And be it further enacted,* That such persons as may be detained after the expiration of their enlistment, under the next preceding section of this act, shall be subject, in all respects to the laws and regulations for the government of the navy, until their return to the United States, and all such persons as shall be so detained, and all such as shall voluntarily re-enlist to serve until the return of the vessel in which they shall be serving, and their regular discharge therefrom in the United States, shall, while so detained, and while so serving under their re-enlistment, receive an addition of one-fourth to their former pay.

Persons detained to be subject to laws, &c. of navy.

Those who re-enlist to receive additional pay.

APPROVED, March 2, 1837.

AN ACT making appropriations for the naval service, for the year one thousand eight hundred and thirty-seven.

SEC. 5. *And be it further enacted,* That, under the laws providing for the gradual improvement of the navy, the President be authorized to cause articles of a durable character to be purchased for the armament and equipment, as well as for the building of vessels.

President to purchase articles of a durable nature.

APPROVED, March 3, 1837.

AN ACT to change the titles of certain officers in the navy.

Be it enacted, &c., That, from and after the passage of this act, all "masters commandant" in the navy shall be taken to be, and shall be called "commanders," and all "sailing-masters" shall be taken to be, and shall be called "masters;" but such change of title shall not impair or in any way affect the rank, pay, or privileges, of any master commandant or sailing-master now in the service; and should they receive new commissions or warrants, they shall respectively take rank from the date of their present commissions.

The titles of "masters 'commandant'" changed to "commanders;" and "sailing-masters" to "masters."

APPROVED, March 3, 1837.

AN ACT for the more equitable administration of the navy pension fund.

SEC. 1. *Be it enacted, &c.,* That if any officer, seaman, or marine have died, or may hereafter die, in the naval service, leaving a widow, and, if no widow, a child or children, such widow, and if no widow, such child or children, shall be enti-

Half pay to widows and children of officers, seamen, and marines, to commence from the

1837. time of death of such officer, &c. tled to receive half the monthly pay to which the deceased would have been entitled, under the acts regulating the pay of the navy, in force on the first day of January, one thousand eight hundred and thirty-five, to commence from the time of the death of such officer, seaman, or marine; but in case of the death or intermarriage of such widow, the half-pay shall go to the child or children of such deceased officer, seaman, or marine: *provided*, that the half-pay granted to the child or children shall cease on their death, or on their attaining the age of twenty-one years.

Pensions for wounds, &c. to commence from the time of the officer, &c. being disabled.

SEC. 2. *And be it further enacted*, That the pensions which may have been granted, or which may hereafter be granted, to officers, seamen, and marines, in the naval service, disabled by wounds or injuries received while in the line of their duty, shall be considered to commence from the time of their being so disabled, and that the amount of pension to which said officers, seamen, and marines, may be entitled, shall be regulated according to the pay of the navy as it existed on the first day of January, one thousand eight hundred and thirty-five.

Acts repealed.

SEC. 3. *And be it further enacted*, That all acts, and parts of acts, which may be inconsistent with the provisions of this act, be, and the same are hereby, repealed, so far as they may relate hereto.

APPROVED, March 3, 1837.

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.

President authorized to cause the public vessels to cruise upon the coast in the winter for the relief of 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.

APPROVED, December 22, 1837.

AN ACT to authorize the Secretary of the Navy to purchase a tract of land belonging to the heirs of John Harris, deceased, being within the limits of the navy yard in Charlestown, Massachusetts.

Secretary of the navy to purchase certain lands situated within the limits of the navy yard at Charlestown and belonging to the heirs of John Harris.

SEC. 1. *Be it enacted, &c.*, That the Secretary of the Navy be, and he hereby is, authorized and required to purchase certain lands situated within the limits of the navy yard in Charlestown, in the State of Massachusetts, said land being the property of the heirs of John Harris, late of said Charlestown, deceased.

Secretary of the navy and said heirs to select three disinterest-

SEC. 2. *And be it further enacted*, That the price and value of said land may be fairly and justly estimated, the Secretary of the Navy is hereby authorized to agree with said heirs in se-

lecting and choosing three disinterested, discreet, suitable men, who, after being sworn, and having fully examined said land, shall estimate and appraise the same: *provided*, it can be purchased for a reasonable sum.

SEC. 3. *And be it further enacted*, That when the appraisal shall be made known to the Secretary aforesaid, and a good and sufficient deed of the same land shall be tendered or given to the United States by the said heirs, then the Secretary of the Navy shall pay said heirs the amount of said appraisal, being the consideration for the premises, out of any money in the treasury not otherwise appropriated.

APPROVED, March 3, 1839.

AN ACT making appropriations for the naval service for the year one thousand eight hundred and thirty-nine.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Navy, under the direction of the President, to make preparations for, and to commence the construction of three steam vessels of war, on such models as shall be most approved, according to the best advices they can obtain, or to complete the construction of one such vessel of war, upon a model so approved, as in the opinion of the President shall be best for the public interest, and most conformable to the demands of the public service; and that, to enable the department to carry into effect this requirement, a part of the sum already appropriated for the gradual improvement of the navy, equal to the sum of three hundred and thirty thousand dollars, shall be, and is hereby, directed to be subject to the disposition of the department for this object, in case that amount can be diverted from that appropriation without a violation of existing contracts, and if that cannot be done consistently with the rights of contractors and the public interests, then so much of the said sum of three hundred and thirty thousand dollars as can be so diverted to this object, from the appropriation referred to, shall be subject to the disposition of the Secretary of the Navy for this purpose, and the residue of the said sum of three hundred and thirty thousand dollars shall be, and the same is hereby, appropriated, and shall be paid out of any money in the treasury not otherwise appropriated: and the said sum of three hundred and thirty thousand dollars, to be expended in the manner in this section prescribed, shall be in addition to any materials now on hand, applicable to the construction of the said steam vessels of war.

APPROVED, March 3, 1839.

AN ACT giving to the President of the United States additional powers for the defence of the United States, in certain cases, against invasion, and for other purposes.

[Obsolete.]

SEC. 1. *Be it enacted, &c.*, That the President of the United States be, and he hereby is, authorized to resist any attempt on the part of Great Britain to enforce, by arms, her claim to

1839.

ed, discreet, suitable men to appraise said land under oath.

Proviso.

When said appraisal shall be made known to sec'y of the navy, and good and sufficient deed given to U. S. he shall pay the amount of said appraisal.

Sec'y of navy under direction of Presid't to make preparations for, and to commence, the construction of three steam vessels of war, or to complete the construction of one, as in the opinion of the President shall be best for the public interest, & most conformable to the demands of the public service.

\$330,000 appropriated in addition to any material now on hand, applicable to the construction of said steam vessels.

President authorized to resist any attempt of Great Britain to enforce her claim to ex-

1840.

exclusive jurisdiction over the disputed territory. Naval and military forces, and militia, placed at his disposal. In the event of either of the contingencies provided for in this act, the President authorized to complete the public armed vessels now authorized by law, &c.

exclusive jurisdiction over that part of the State of Maine which is in dispute between the United States and Great Britain; and, for that purpose, to employ the naval and military forces of the United States, and such portions of the militia as he may deem it advisable to call into service.

SEC. 4. *And be it further enacted*, That, in the event of either of the contingencies provided for in this act, [an attempt on the part of Great Britain to enforce her claim; or, actual invasion of the territory of the United States,] the President of the United States shall be authorized to complete the public armed vessels now authorized by law, and to equip, man, and employ, in actual service, all the naval force of the United States, and to build, purchase, or charter, arm, equip, and man, such vessels and steamboats on the northern lakes and rivers, whose waters communicate with the United States and Great Britain, as he shall deem necessary to protect the United States from invasion from that quarter.

This act to continue in force until 60 days after 1st session next Congress.

SEC. 9. *And be it further enacted*, That the several provisions of this act shall be in force until the end of sixty days after the meeting of the first session of the next Congress, and no longer.

APPROVED, March 3, 1839.

AN ACT to continue the office of commissioner of pensions, and to transfer the pension business, heretofore transacted in the navy department, to that office.

The office of commissioner of pensions continued until 4th of March, 1843.

SEC. 1. *Be it enacted, &c.*, That the office of commissioner of pensions shall be, and the same is hereby, continued until the fourth day of March, eighteen hundred and forty-three.

A commissioner to be appointed, How. His duties,

SEC. 2. *And be it further enacted*, That a commissioner of pensions shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and that he shall execute, under the direction of the Secretary of War and the Secretary of the Navy, such duties in relation to the various pension laws as may be prescribed by the President.

And salary. Franking privileges extended to him.

SEC. 3. *And be it further enacted*, That the said commissioner shall receive an annual salary of two thousand five hundred dollars, and shall have the privilege of sending and receiving letters and packets by mail free of postage.

The pension business transacted in the navy department transferred to the office of commissioner pensions.

SEC. 4. *And be it further enacted*, That the pension business, heretofore transacted in the navy department, shall be transferred to the office of the commissioner of pensions, and that the clerk now employed in that business be also transferred to that office.

APPROVED, March 4, 1840.

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

In case of a pensioner leaving children but no widow.

SEC. 1. *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.

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.

In case of a pensioner who is a widow leaving children.

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.

In case of an pensioner leaving children.

APPROVED, June 19, 1840.

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

SEC. 3. *And be it further enacted*, That all appropriations, and all remaining balances of appropriations, heretofore made for building, rebuilding, replacing, purchasing, or repairing vessels of war, or other vessels, for the use of the navy, or for the purchase of timber, ordnance, or any other articles for building, arming, equipping, or repairing vessels of the navy, or for the repairs of vessels in ordinary, and repair, wear and tear of vessels in commission, together with any materials which have been, or may be, collected under any of the said appropriations, be, and the same are hereby, transferred to one head of appropriation, to be called "the appropriation for the increase, repair, armament, and equipment of the navy, and wear and tear of vessels in commission;" and the amount of said appropriation, and of such other as may be made hereafter for like purposes, and the materials which have been, or may be hereafter collected for the same, may be expended and used by the Secretary of the Navy, in building, replacing, arming, repairing, equipping, and employing any vessels which Congress may have authorized, or may hereafter authorize, to be built, rebuilt, purchased, or replaced, in such manner as the interests or necessities of the service may require.

All appropriations for building, purchasing, repairing and arming vessels for the use of the navy, and all materials, hereby transferred to one head of appropriation, to be expended, how.

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 commence-

Statements to be made annually of the amounts expended the preceding fiscal year, for wages of mechanics, and laborers, employed in building, repairing or equipping vessels of the navy.

1840. ment of the next preceding fiscal year; the cost or estimated value of articles received and expended 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.

Provisions, materials, &c. when conducive to the public interest may be used for a different appropriation from that under which they were purchased.

SEC. 5. *And be it further enacted*, That whenever, in the opinion of the Secretary of the Navy; it shall be conducive to the public interest to use any article of provisions, materials, or other stores, for a different appropriation from that under which they may have been purchased for the naval service, it shall be lawful for him to authorize such use, and it shall be his duty to certify to the Secretary of the Treasury the value or cost of the articles thus used; and the Secretary of the Treasury is hereby authorized and required to cause the proper officers of the treasury to transfer the amount of such cost or value upon the books of the treasury, from the appropriation for which the articles may have been used, to the appropriation from which they may have been or may be taken, so that the actual expenditure under each may be accurately shown.

Survey of the coast from Apalachicola bay, to the Mississippi.

SEC. 7. *And be it further enacted*, That there be appropriated, from any money in the treasury not otherwise appropriated, for the immediate survey of the coast from Apalachicola bay, to the mouth of the Mississippi river, for the ascertainment of the practicability of establishing a navy yard and naval station which shall best subserve the protection of the commerce of the Gulf of Mexico, the sum of ten thousand dollars, to be expended under the direction of the commissioners of the navy board.

Transfers from one head of appropriation to another, to be repaid by retransfers on the books of the treasury.

SEC. 8. *And be it further enacted*, That whenever the President of the United States shall have authorized the transfer of any moneys from any head of the naval appropriations to other heads of naval appropriations, as authorized by the act of Congress, approved thirtieth June, eighteen hundred and thirty-four, it shall be the duty of the Secretary of the Treasury, immediately after the naval appropriations for the year shall have been made, to cause all such transfers to be repaid, by re-transfers on the books of the treasury, so as to preserve for each appropriation the amount which were granted by Congress.

APPROVED, July 20, 1840.

[By inadvertence, the following law was omitted in its proper place.]

AN ACT concerning public contracts.

No member of Congress to have any public contract, under the authority of the U. S.

SEC. 1. *Be it enacted, &c.*, 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 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.

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.

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.

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.

SEC. 5. *And be it further enacted*, That, from and after the passing 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.

1808.

Penalty.

Fine \$3,000.
Contract void.

Proviso.

Money advanced
to be repaid.

Persons refusing,
with sureties, to
be prosecuted.

Provisions of this
act not to extend
to incorporated
companies, or to
bills of exchange
negotiated by
members of Congress.

Members of Congress
to be excepted by particular clauses
from participation in public contracts.

Penalties upon
officers making
public contracts
with members of
Congress.

Fine \$3,000.

Secretary of the
treasury, &c. to
make to Congress,
annual statements
of contracts made
by their departments.

1802.

RESOLUTIONS AND SPECIAL ACTS.

RESOLUTION requesting the President to present a gold medal to Captain Thomas Truxtun; and respecting the conduct of Midshipman James Jarvis.

A gold medal to
Capt. Truxtun.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to present to Captain Thomas Truxtun, a golden medal, emblematical of the late action between the United States' frigate Constellation, of thirty-eight guns, and the French ship of war La Vengeance, of fifty-four; in testimony of the high sense entertained by Congress of his gallantry and good conduct in the above engagement, wherein an example was exhibited by the captain, officers, sailors, and marines, honorable to the American name, and instructive to its rising navy.

Praise of James
Jarvis, a midship-
man, &c.

And be it further resolved, That the conduct of James Jarvis, a midshipman in said frigate, who gloriously preferred certain death to an abandonment of his post, is deserving of the highest praise, and that the loss of so promising an officer is a subject of national regret.

APPROVED, March 29, 1800.

RESOLUTION expressing the sense of Congress on the gallant conduct of Lieutenant Sterett, the officers and crew of the United States' schooner Enterprise.

Gallant conduct
of Lieut. Sterett,
&c.

Resolved, &c., That they entertain a high sense of the gallant conduct of Lieutenant Sterett, and the other officers, seamen, and marines, on board the schooner Enterprise, in the capture of a Tripolitan corsair of fourteen guns and eighty men.

A sword to Lieut.
Sterett.
Extra pay to other
officers and men.

Resolved, That the President of the United States be requested to present to Lieutenant Sterett a sword, commemorative of the aforesaid heroic action; and that one month's pay be allowed to all the other officers, seamen, and marines, who were on board the Enterprise when the aforesaid action took place.

APPROVED, February 3, 1802.

AN ACT for the relief of the widows and orphans of certain persons who have died in the naval service of the United States.

Four months pay
allowed to wid-
ows and children
of officers, &c.
lost in the Insur-
gent and Pickering.

Be it enacted, &c., That the widows, if any such there be, and in case there be no widow, the child or children of the officers, seamen, and marines, who were in the service of the United States, and lost in the ship Insurgent and brigantine Pickering, shall be entitled to, and receive out of any money in the

treasury not otherwise appropriated, a sum equal to four months' pay of their respective husbands or fathers, as aforesaid.

APPROVED, April 29, 1802.

AN ACT for the relief of the captors of the Moorish armed ships Meshouda and Mirboha.

SEC. 1. *Be it enacted, &c.*, That the sum of eight thousand five hundred and ninety-four dollars and fifty cents, being one moiety of the value of the armed ship Meshouda, captured by the frigate John Adams, commanded by Captain John Rodgers, and restored to the emperor of Morocco, be, and the same is hereby, appropriated for defraying the expense of prize money due to the captors; and that the further sum of seven hundred and thirty-eight dollars and twenty-five cents be, and the same hereby is, appropriated for defraying the expenses incurred for the said ship, whilst in possession of the captors.

\$8,594 50 appropriated for prize money due to the captors of the Meshouda; and \$738 25 for defraying the expenses whilst the Meshouda was in the possession of the captors.

SEC. 2. *And be it further enacted*, That the further sum of five thousand dollars be, and the same hereby is, appropriated, for defraying the expense of prize money due to the officers and crew of the frigate Philadelphia, commanded by Captain William Bainbridge, being one moiety of the value of the armed ship Mirboha, captured by the aforesaid frigate Philadelphia, and likewise restored to the emperor of Morocco.

\$5,000 appropriated for the captors of the Mirboha:

SEC. 3. *And be it further enacted*, That the aforesaid several sums shall be divided amongst the captors, respectively, in the proportion already established by law, for the distribution of prize money, and shall be paid out of any moneys in the treasury not otherwise appropriated.

To be divided amongst the captors, according to the principles of distributing prize money.

APPROVED, March 19, 1804.

RESOLUTION expressive of the sense of Congress of the gallant conduct of Captain Stephen Decatur, the officers and crew, of the United States' ketch Intrepid, in attacking, in the harbor of Tripoli, and destroying, a Tripolitan frigate of forty-four guns.

Resolved, &c., That the President of the United States be requested to present, in the name of Congress, to Captain Stephen Decatur, a sword, and to each of the officers and crew of the United States' ketch Intrepid, two months' pay, as a testimony of the high sense entertained by Congress of the gallantry, good conduct, and services of Captain Decatur, the officers and crew, of the said ketch, in attacking, in the harbor of Tripoli, and destroying, a Tripolitan frigate of forty-four guns.

A sword to Capt. Decatur; and 2 months' pay to other officers and men.

APPROVED, November 27, 1804.

RESOLUTIONS expressive of the sense of Congress of the gallant conduct of Commodore Edward Preble, the officers, seamen, and marines of his squadron.

Resolved, &c., That the thanks of Congress be, and the same are hereby, presented to Commodore Edward Preble, and through him to the officers, seamen, and marines, attached to

Thanks to Com. Preble, officers and men.

1808

the squadron under his command, for their gallantry and good conduct displayed in the several attacks on the town, batteries, and naval force of Tripoli, in the year 1804.

A gold medal to
Com. Preble.

Resolved, That the President of the United States be requested to cause a gold medal to be struck, emblematical of the attacks on the town, batteries, and naval force of Tripoli, by the squadron under Commodore Preble's command, and to present it to Commodore Preble in such manner as, in his opinion, will be most honorable to him: and that the President be further requested to cause a sword to be presented to each of the commissioned officers and midshipmen who have distinguished themselves in the several attacks.

A sword to other
officers.

A months' pay to
petty officers and
men.

Resolved, That one months' pay be allowed, exclusively of the common allowance, to all the petty officers, seamen, and marines, of the squadron, who so gloriously supported the honor of the American flag, under the orders of their gallant commander, in the several attacks.

Deep regret of
Congress for the
loss of Capt. Somers
and others.

Resolved, That the President of the United States be also requested to communicate to the parents, or other near relatives, of Captain Richard Somers, Lieutenants Henry Wadsworth, James Decatur, James R. Caldwell, Joseph Israel, and Midshipman John Sword Dorsey, the deep regret which Congress feel for the loss of those gallant men, whose names ought to live in the recollection and affections of a grateful country, and whose conduct ought to be regarded as an example to future generations.

APPROVED, March 3, 1805.

RESOLUTION respecting N. C. Nissen, Danish consul at Tripoli.

Resolved, &c., That the President of the United States be requested to cause to be made known to Nicholas C. Nissen, esquire, his Danish majesty's consul residing at Tripoli, the high sense entertained by Congress of his disinterested and benevolent attentions manifested to Captain Bainbridge, his officers, and crew, during the time of their captivity in Tripoli.

APPROVED, April 10, 1806.

AN ACT remitting the duties payable on the importation of a monument to be erected in memory of the officers of the United States navy, who fell during the attack made on the city of Tripoli, in the year one thousand eight hundred and four.

Be it enacted, &c., That the duties payable, according to law, on the importation of a monument imported in the frigate Constitution from Italy, on account of the officers of the United States navy, be, and they are hereby, remitted.

APPROVED, March 13, 1808.

RESOLUTIONS relative to the brilliant achievements of Captains Hull, Decatur, Jones, and Lieutenant Elliott.

1813.

Resolved, &c., That the President of the United States be, and he is hereby, requested to present to Captain Hull, of the frigate Constitution, Captain Decatur, of the frigate United States, and Captain Jones, of the sloop of war Wasp, each, a gold medal, with suitable emblems and devices; and a silver medal, with like emblems and devices, to each commissioned officer of the aforesaid vessels, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services, of the captains, officers, and crews, of the aforesaid vessels, in their respective conflicts with the British frigates the Guerriere and the Macedonian, and sloop of war Frolic; and the President is also requested to present a silver medal, with like emblems and devices, to the nearest male relative of Lieutenant Bush, and one to the nearest male relative of Lieutenant Funk, in testimony of the gallantry and merit of those deceased officers, in whom their country has sustained a loss much to be regretted.

A gold medal to Captains Hull, Decatur, and Jones.

A silver medal to other officers.

A silver medal to the nearest male relative of Lieutenants Bush and Funk.

SEC. 2. *And be it further resolved*, That the President of the United States be, and he hereby is, requested to present to Lieutenant Elliott, of the navy of the United States, an elegant sword, with suitable emblems and devices, in testimony of the just sense entertained by Congress of his gallantry and good conduct in boarding and capturing the British brigs Detroit and Caledonia, while anchored under the protection of Fort Erie.

An elegant sword to Lieut. Elliott.

APPROVED, January 29, 1813.

RESOLUTION requesting the President of the United States to present medals to Captain William Bainbridge, and the officers of the frigate Constitution.

Resolved, &c., That the President of the United States be, and he is hereby, requested to present to Captain William Bainbridge, of the frigate Constitution, a gold medal, with suitable emblems and devices; and a silver medal, with suitable emblems and devices, to each commissioned officer of the said frigate, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services of Captain Bainbridge, his officers and crew, in the capture of the British frigate Java, after a brave and skillful combat.

A gold medal to Capt. Bainbridge.

A silver medal to other officers.

APPROVED, March 3, 1813.

AN ACT rewarding the officers and crew of the frigate Constitution, and the officers and crew of the Wasp.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to have distributed, as prize money, to Captain Isaac Hull, of the frigate Constitution, his officers and crew, the sum of fifty thousand dollars, for the capture and destruction of the British frigate Guerriere: and the like sum, in like manner, to Captain William Bainbridge, his officers and crew, for the capture and destruction of the British frigate Java: and the sum of twenty-five thousand dollars, in like

Prize money:

\$50,000 to Capt. Hull, officers and crew.

\$50,000 to Capt. Bainbridge, officers and crew.

1813. manner, to Captain Jacob Jones, of the sloop of war *Wasp*, his officers and crew, for the capture of the British sloop of war *Frolic*: and that the sum of one hundred and twenty-five thousand dollars, out of any money in the treasury not otherwise appropriated, be, and the same is hereby, appropriated for the purposes aforesaid.

\$25,000 to Capt. Jones, officers & crew.

APPROVED, March 3, 1813.

AN ACT to reward the officers and crew of the sloop of war *Hornet*; and Lieutenant Elliott and his officers and companions.

President authorized to cause to be distributed \$25,000 as prize money, to Capt. Jas. Lawrence, his officers, and crew, of the *Hornet*, for the capture of the British brig *Peacock*. To Lieut. Elliott, his officers, and companions, &c. \$12,000 for the capture of the *Detroit*. \$37,000 appropriated.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to have distributed, as prize money, to Capt. James Lawrence, late of the sloop of war *Hornet*, his officers and crew, or their widows and children, the sum of twenty-five thousand dollars, for the capture and destruction of the British brig *Peacock*; and to Lieutenant Elliott, and his officers and companions, or their widows and children, the sum of twelve thousand dollars, for the capture and destruction of the British brig *Detroit*; and that the sum of thirty-seven thousand dollars be, and the same is hereby, appropriated to the purpose aforesaid, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, July 13, 1813.

AN ACT for the relief of the officers and crew of the late United States' brig *Vixen*. [See E. T. Satterwhite.]

Accountant of the navy to assume the day of departure of the *Vixen* on her last cruise, as the day on which the accounts are to be finally settled. Proviso: nothing herein to deprive the officers and crew of claims to further payment, &c.

SEC. 1. *Be it enacted, &c.*, That the accountant of the navy department be, and he is hereby, authorized and required to assume the day of the departure of the brig *Vixen*, from a port in the United States, on her last cruise, as the day on which the accounts of the officers and crew of the said brig shall be finally settled and balanced: *provided*, that nothing herein contained shall be construed to deprive the said officers and crew of any claims to further payment than is allowed by this act, which may, on satisfactory proof, appear to be just.

Secretary of the navy authorized to pay the officers and crew such sums as may be due.

SEC. 2. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized to allow and pay, unto the officers and crew of the said brig, such sum of money as, in his judgment, may be due to them for their pay.

APPROVED, August 2, 1813.

RESOLUTIONS expressive of the sense of Congress of the gallant conduct of Captain Oliver H. Perry, the officers, seamen, marines, and infantry acting as such, on board of his squadron.

Thanks to Com. Perry, officers and men.

Resolved, &c., That the thanks of Congress be, and the same are hereby, presented to Captain Oliver Hazard Perry, and through him to the officers, petty officers, seamen, marines, and infantry serving as such, attached to the squadron under his command, for the decisive and glorious victory gained on lake

Erie, on the tenth of September, in the year 1813, over a British squadron of superior force. 1814.

Resolved, That the President of the United States be requested to cause gold medals to be struck, emblematical of the action between the two squadrons, and to present them to Captain Perry and Captain Jesse D. Elliott, in such manner as will be most honorable to them; and that the President be further requested to present a silver medal, with suitable emblems and devices, to each of the commissioned officers, either of the navy or army, serving on board, and a sword to each of the midshipmen and sailingmasters who so nobly distinguished themselves on that memorable day.

Gold medals to Captains Perry & Elliott.

A silver medal to other officers.

A sword to Midshipmen, &c.

Resolved, That the President of the United States be requested to present a silver medal, with like emblems and devices, to the nearest male relative of Lieutenant John Brooks, of the marines, and a sword to the nearest male relatives of Midshipmen Henry Laub and Thomas Claxton, jr., and to communicate to them the deep regret which Congress feel for the loss of those gallant men, whose names ought to live in the recollection and affection of a grateful country, and whose conduct ought to be regarded as an example to future generations.

A silver medal to the nearest male relative of Lieut. Brooks, and a sword to the nearest male relatives of Midshipmen Laub & Claxton.

Resolved, That three months' pay be allowed, exclusively of the common allowance, to all the petty officers, seamen, marines, and infantry serving as such, who so gloriously supported the honor of the American flag, under the orders of their gallant commander, on that signal occasion.

Three months' extra pay to petty officers and men.

APPROVED, January 6, 1814.

RESOLUTION relative to the brilliant achievement of Lieutenants Burrows and McCall.

Resolved, &c., That the President of the United States be requested to present to the nearest male relative of Lieutenant William Burrows, and to Lieutenant Edward R. McCall, of the brig Enterprize, a gold medal, with suitable emblems and devices; and a silver medal, with like emblems and devices, to each of the commissioned officers of the aforesaid vessel, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew in the conflict with the British sloop Boxer, on the fourth of September, in the year 1813. And the President is also requested to communicate to the nearest male relative of Lieutenant Burrows, the deep regret which Congress feel for the loss of that valuable officer, who died in the arms of victory, nobly contending for his country's rights and fame.

A gold medal to the nearest male relative of Lieut. Burrows, and to Lt. McCall; and a silver medal to other officers.

Deep regret for the loss of Lieut. Burrows.

APPROVED, January 6, 1814.

RESOLUTION relative to the brilliant achievement of Captain James Lawrence, in the capture of the British vessel of war the Peacock.

Resolved, &c., That the President of the United States be requested to present to the nearest male relative of Captain James

A gold medal to the nearest male relative of Capt.

1814.

Lawrence; and a silver medal to other officers.

Sense entertained by Congress of the loss of Capt. Lawrence.

Lawrence, a gold medal, and a silver medal to each of the commissioned officers who served under him in the sloop of war Hornet, in her conflict with the British vessel of war the Peacock, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew in the capture of that vessel; and the President is also requested to communicate to the nearest male relative of Captain Lawrence the sense which Congress entertains of the loss which the naval service of the United States has since sustained in the death of that distinguished officer.

APPROVED, January 11, 1814.

RESOLUTION directing a sword to be presented to the nearest male relation of Midshipman John Clark.

A sword to the nearest male relative of Midshipman Clark, and regret for his loss.

Resolved, &c., That the President of the United States be requested to present a sword to the nearest male relation of Midshipman John Clark, who was slain gallantly combating the enemy in the glorious battle gained on lake Erie, under the command of Captain Perry, and to communicate to him the deep regret which Congress feels for the loss of that brave officer.

APPROVED, February 19, 1814.

AN ACT for the relief of David Porter, and his officers and crews.

Portion of money accruing to U. S. from sales of certain vessels, relinquished to Capt. D. Porter, his officers and crews.

Be it enacted, &c., That so much of the net proceeds of the forfeitures and penalties as have accrued to the United States from the condemnation and sale of the following vessels and their cargoes, to wit: Le Duc de Montebello, Le Petite Chance, and L'Intrepide, condemned and sold by order of the district court of the United States for the Orleans district, for violations of the laws of the United States, be, and the same are hereby, given up and relinquished in favor of Captain David Porter, and of the officers and crews by whom the said vessels were captured, as a compensation to the said David Porter, and the said officers and crews, for their zeal and activity in capturing the same: and that the said Captain David Porter be hereby authorized to receive, from the Secretary of the Treasury, the amount of the said net proceeds of the aforesaid sales, to be paid by the said Secretary of the Treasury out of any money not otherwise appropriated; and upon receiving the same, the said David Porter is authorized and instructed to distribute it amongst the said officers and crews, in the proportions, and agreeably to the regulations of the laws of the United States, for the distribution of prize money.

Capt. P. authorized to receive and distribute the same.

APPROVED, April 13, 1814.

AN ACT authorizing the purchase of the vessels captured on lake Erie.

The Presid't authorized to cause the British ves-

SEC. 1. *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized to cause to be purchased

the British vessels which were captured on lake Erie by the American squadron, on the tenth day of September, in the year one thousand eight hundred and thirteen; and the sum of two hundred and fifty-five thousand dollars, in payment for the said vessels, shall be distributed as prize money among the captors or their heirs.

SEC. 2. *And be it further enacted*, That, for carrying into effect this act, a sum not exceeding two hundred and fifty-five thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 3. *And be it further enacted*, That there be allowed and paid to Captain Oliver H. Perry, out of any money in the treasury not otherwise appropriated, in addition to his share of prize money as commander of the ship Lawrence, the sum of five thousand dollars.

APPROVED, April 18, 1814.

RESOLUTIONS expressive of the sense of Congress of the gallant conduct of Captain Thomas Macdonough, the officers, seamen, marines, and infantry serving as marines, on board the United States' squadron on lake Champlain.

Resolved, &c., That the thanks of Congress be, and the same are hereby, presented to Captain Thomas Macdonough, and, through him, to the officers, petty officers, seamen, marines, and infantry serving as marines, attached to the squadron under his command, for the decisive and splendid victory gained on lake Champlain, on the eleventh of September, in the year one thousand eight hundred and fourteen, over a British squadron of superior force.

Resolved, That the President of the United States be requested to cause gold medals to be struck, emblematical of the action between the two squadrons, and to present them to Captain Macdonough and Captain Robert Henley, and also to Lieutenant Stephen Cassin, in such manner as may be most honorable to them; and that the President be further requested to present a silver medal, with suitable emblems and devices, to each of the commissioned officers of the navy and army serving on board, and a sword to each of the midshipmen and sailing masters, who so nobly distinguished themselves in that memorable conflict.

Resolved, That the President of the United States be requested to present a silver medal, with like emblems and devices, to the nearest male relative of Lieutenant Peter Gamble, and of Lieutenant John Stansbury, and to communicate to them the deep regret which Congress feel for the loss of those gallant men, whose names ought to live in the recollection and affection of a grateful country.

Resolved, That three months' pay be allowed, exclusively of the common allowance, to all the petty officers, seamen, ma-

1814.

vessels captured on Lake Erie, &c., to be purchased, and \$255,000, in paym't therefor, to be distributed as prize-money among the captors, &c.

\$255,000 appropriated for the purchase.

\$5,000 allowed to Capt. Perry, in addition to his share of prize money.

Thanks of Congress presented to Captain Macdonough, officers, seamen, &c., for the splendid victory on lake Champlain, &c.

Gold medals to Captains Macdonough and Henley, and Lieutenant Cassin; a silver medal to each commissioned officer, and a sword to the midshipmen.

A silver medal to the nearest male relative of Lieuts. Gamble & Stansbury, &c.

Three months' pay additional to

'1814. rines, and infantry serving as marines, who so gloriously supported the honor of the American flag on that memorable day. the petty officers, seamen, &c.

APPROVED, October 20, 1814.

RESOLUTION expressive of the sense of Congress relative to the victory of the Peacock over the Epervier.

A gold medal to Captain Warrington; a silver medal to each commissioned officer, and a sword to the midshipmen, &c. in testimony of their good conduct in the action with the British brig Epervier.

Resolved, &c., That the President of the United States be requested to present to Captain Lewis Warrington, of the sloop of war Peacock, a gold medal, with suitable emblems and devices, and a silver medal, with like emblems and devices, to each of the commissioned officers, and a sword to each of the midshipmen, and to the sailingmaster, of the said vessel, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew, in the action with the British brig Epervier, on the twenty-ninth day of April, in the year one thousand eight hundred and fourteen, in which action the decisive effect and great superiority of the American gunnery were so signally displayed.

APPROVED, October 21, 1814.

RESOLUTION expressive of the sense of Congress relative to the capture of the British sloop Reindeer, by the American sloop Wasp.

A gold medal to Capt. Blakeley, a silver medal to each commiss'd officer, and sword to each midshipman, &c., in testimony of their gallantry, in the action with the British sloop of war Reindeer.

Resolved, &c., That the President of the United States be requested to present to Captain Johnston Blakeley, of the sloop Wasp, a gold medal, with suitable devices, and a silver medal, with like devices, to each of the commissioned officers, and also a sword to each of the midshipmen, and the sailingmaster, of the aforesaid vessel, in testimony of the high sense entertained by Congress of the gallantry and good conduct of the officers and crew, in the action with the British sloop of war Reindeer, on the twenty-eighth of June, in the year one thousand eight hundred and fourteen; in which action determined bravery and cool intrepidity, in nineteen minutes, obtained a decisive victory, by boarding.

APPROVED, November 3, 1814.

RESOLUTIONS expressive of the high sense entertained by Congress of the gallantry and good conduct of Commodore D. T. Patterson, and Major D. Carmick, and of the officers, seamen, and marines, under their command, in the defence of New Orleans.

Congress entertain a high sense of the valor of Com. Patterson, officers, & men, &c.

Resolved, &c., That Congress entertain a high sense of the valor and good conduct of Commodore D. T. Patterson, of the officers, petty officers, and seamen, attached to his command, for their prompt and efficient co-operation with General Jackson, in the late gallant and successful defence of the city of New Orleans, when assailed by a powerful British force.

Congress entertain a high sense of the valor of

Resolved, That Congress entertain a high sense of the valor and good conduct of Major Daniel Carmick, of the officers, non-

commissioned officers, and marines, under his command, in the defence of the said city, on the late memorable occasion.

1816.

Major Carnick,
officers, and marines.

APPROVED, February 22, 1815.

AN ACT authorizing the purchase of the vessels captured on lake Champlain.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be purchased the British vessels which were captured on lake Champlain by the American squadron, on the eleventh day of September, in the year eighteen hundred and fourteen; and the amount of the valuation of such captured vessels, when duly made and returned to the navy department, shall be distributed as prize money, among the captors or their heirs.

The Presid't authorized to purchase the British vessels captured on Lake Champlain, &c.

The amount to be distributed as prize money, &c.

APPROVED, March 3, 1815.

AN ACT for the relief of sundry persons in the service of the United States, in consequence of the destruction of their tools by fire at the navy yard.

SEC. 1. Be it enacted, &c., That the accounting officers of the navy be, and they are hereby, directed to adjust and settle all claims for losses that have been sustained by artificers, mechanics, and other workmen, in the employ and service of the United States, for tools and other articles essential to, and connected with, their trade and occupation, which have been destroyed by fire, in consequence of burning the buildings of the navy yard, in the city of Washington, and to cause to be paid over to such persons, respectively, the amount found due for such losses.

Claims for losses sustained by artificers, &c. to be adjusted and settled.

SEC. 2. And be it further enacted, That a sum not exceeding five thousand dollars be, and the same is hereby, appropriated, out of any moneys in the treasury of the United States not otherwise appropriated, to carry into effect the objects of this act.

\$5000 appropriated.

APPROVED, March 3, 1815.

RESOLUTION requesting the President to present medals to Captain Stewart and the officers of the frigate Constitution.

Resolved, &c., That the President of the United States be, and he is hereby, requested to present to Captain Charles Stewart, of the frigate Constitution, a gold medal, with suitable emblems and devices, and a silver medal, with suitable emblems and devices, to each commissioned officer of the said frigate, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services, of Captain Stewart, his officers and crew, in the capture of the British vessels of war the Cyane and the Levant, after a brave and skilful combat.

The President request'd to present a gold medal to Captain Stewart, and a silver one to each commissioned officer of the frigate Constitution, for their gallantry & good conduct, &c.

APPROVED, February 22, 1816.

1816. RESOLUTION requesting the President to present medals to Captain James Biddle, and the officers of the sloop of war Hornet.

The President request'd to present a gold medal to Capt. Biddle, and a silver one to each commiss'd officer of sloop of war Hornet, for their gallantry & good conduct.

Resolved, &c., That the President of the United States be, and he is hereby, requested to present to Captain James Biddle, of the sloop of war Hornet, a gold medal, with suitable emblems and devices, and a silver medal, with suitable emblems and devices, to each commissioned officer of the said sloop of war, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services, of Captain Biddle, his officers and crew, in capturing the British sloop of war Penguin, after a brave and skilful combat.

APPROVED, February 22, 1816.

AN ACT rewarding the officers and crew of the sloop of war Hornet, for the capture and destruction of the British sloop of war Penguin.

\$25,000 appropriated, to be divided among the captors of the Penguin.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to have distributed, as prize money, to Captain James Biddle, of the sloop of war Hornet, his officers and crew, the sum of twenty-five thousand dollars, for the capture and destruction of the British sloop of war Penguin; and that the sum of twenty-five thousand dollars, out of any money in the treasury not otherwise appropriated, be, and the same is hereby, appropriated for the purpose aforesaid.

APPROVED, February 28, 1816.

AN ACT placing certain persons on the list of navy pensioners.

Persons wounded at Dartmoor prison, in 1815, and the widows and children of those killed there, to be placed on the list of navy pensioners.

SEC. 1. *Be it enacted, &c.*, That the Secretary of the Navy be, and he is hereby, authorized and required to place on the list of navy pensioners, those persons who were wounded at Dartmoor prison, in England, in the month of April, 1815; also, the widows and children of such as were killed, or who died in consequence of wounds received, there; and that, in the allowance of pensions to the persons aforesaid, the regulations established by law, in relation to the placing persons on the list of navy pensioners, be observed.

To take effect from 6th April, 1815.

SEC. 2. *And be it further enacted*, That this act shall be construed to take effect from the sixth day of April, in the year 1815.

APPROVED, April 2, 1816.

AN ACT respecting the late officers and crew of the sloop of war Wasp.

Whereas, there is reason to apprehend that the sloop of war Wasp, an armed ship of the United States, and lately commanded by Captain Johnston Blakeley, is lost:

12 months' pay allowed to representatives of the officers and crew of the Wasp.

SEC. 1. *Be it enacted, &c.*, That there be allowed and paid to the representatives of Captain Johnston Blakeley, and of each of the officers and crew aforesaid, as is hereinafter directed, twelve months' wages; and that there be paid to the aforesaid

representatives, and to the survivors of said officers and crew, if such there be, the sum of fifty thousand dollars, to be distributed as prize money for the capture and destruction, by said sloop of war, of the British armed vessels Reindeer and Avon. 1816.
\$50,000 to be distributed as prize-money.

SEC. 2. *And be it further enacted*, That the distribution of said wages and compensation shall be as follows, viz : one-third to the widow, and two-third parts to the children of the deceased ; and in case there be no child, the whole to the widow ; and if there be no widow, then to the child or children ; and if there be neither widow nor child, then to the parent or parents ; and if there be no parent, then to the brothers and sisters ; and if there be neither brother nor sister, then such share or shares not claimed as aforesaid, shall be and remain part of the navy pension fund ; and the sums aforesaid shall be paid out of any moneys in the treasury not otherwise appropriated : *provided*, that in all cases in which there shall be only one child, the widow shall have an equal share with the child. How to be distributed.
Proviso.

SEC. 3. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized and required to appoint a prize agent, whose duty it shall be to disburse the moneys aforesaid, or to refund any balance thereof, under such rules and regulations as the said Secretary may prescribe ; and that all moneys not claimed by virtue of this act within two years from the day when said sums shall be put at the disposal of the said prize agent, shall be deemed and held a part of the navy pension fund. Prize-agent to be appointed.
Balance not claimed, after 2 years, to be added to the pension fund.

APPROVED, April 20, 1816.

AN ACT rewarding the officers and crew of the Constitution for the capture of the British sloop of war Levant.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized to have distributed as prize money, to Captain Charles Stewart, late of the frigate Constitution, his officers and crew, the sum of twenty-five thousand dollars, for the capture of the British sloop of war Levant ; and that the sum of twenty-five thousand dollars, out of any money in the treasury not otherwise appropriated, be, and the same is hereby, appropriated for the purpose aforesaid. \$25,000 to be distributed as prize-money.

APPROVED, April 26, 1816.

AN ACT providing for the distribution of one hundred thousand dollars among the captors of the Algerine vessels captured and restored to the Dey of Algiers.

Be it enacted, &c., That the sum of one hundred thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated, and distributed in the same proportions and under the same regulations as prize money is now by law directed to be distributed, among the captors of the Algerine vessels, captured by the \$100,000 to be distributed as prize-money.

1817. American squadron, under the command of Commodore Decatur, and afterwards restored to the Dey of Algiers.

APPROVED, April 27, 1816.

AN ACT for the relief of George T. Ross, Daniel T. Patterson, and the officers and men lately under their command.

\$50,000, accruing to U. States from forfeiture of vessels captured at Barrataria, relinquished to the captors.

Be it enacted, &c., That so much of the net proceeds of the forfeitures and penalties, not exceeding fifty thousand dollars, as has accrued to the United States by the condemnation and sale of the vessels and their cargoes, which were taken near the island of Barrataria, on the western coast of Louisiana, on the sixteenth day of September, one thousand eight hundred and fourteen, by a land and naval force, under the command of Colonel George T. Ross and Captain Daniel T. Patterson, and which were condemned and sold by order of the district court of the United States for the Orleans district, for violation of laws of the United States, be, and the same are hereby, given up and relinquished in favor of the said George T. Ross, and Daniel T. Patterson, and of their officers and men, for their zeal, activity, and courage, in capturing the same. And the Secretary of the Treasury is hereby authorized to pay to the said George T. Ross and Daniel T. Patterson, the amount of the said net proceeds of the said sales, not exceeding fifty thousand dollars, out of any money in the treasury not otherwise appropriated, to be distributed among the land and naval forces employed in the capture of the said vessels, in such proportions, and under such regulations, as the secretaries of war and navy, with the approbation of the President, shall prescribe and determine.

APPROVED, April 27, 1816.

AN ACT in addition to "An act for the relief of George T. Ross and Daniel T. Patterson, and the officers and men lately under their command."

The Secretaries of war and navy authorized to draw money, and appoint agents to disburse it, &c.

Be it enacted, &c., That, for the purpose of carrying into effect the act, entitled "An act for the relief of George T. Ross and Daniel T. Patterson, and the officers and men lately under their command," the secretaries of war and navy are hereby authorized and required, by and with the approbation of the President of the United States, to draw, by their warrant, or warrants, from the treasury of the United States, out of any moneys therein not otherwise appropriated, by the said act, and to appoint an agent or agents to disburse the same, according to the true intent and meaning of the act aforesaid.

APPROVED, February 22, 1817.

AN ACT for the relief of the widows and orphans of the officers, seamen, and marines, who were lost in the United States' brig Epervier.

The widows and orphans of officers and men lost

Be it enacted, &c., That the widows, if any such there be, and in case there be no widow, the child or children, if there

be no child, then to the parents or parent, and if there be no parent, then to the brothers and sisters, of the officers, seamen, and marines, who were in the service of the United States, and lost in the brig Epervier, shall be entitled to and receive, out of any money in the treasury not otherwise appropriated, a sum equal to six months' pay, of their respective deceased relatives aforesaid, in addition to the pay due to the said deceased on the fourteenth day of July, one thousand eight hundred and fifteen, to which day the arrears of pay due the deceased shall be allowed and paid by the accounting officers of the navy department.

1818.

in the Epervier,
to receive six
months' pay ad-
ditional, &c.

APPROVED, March 3, 1817.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A P R O C L A M A T I O N .

Whereas, an arrangement was entered into, at the City of Washington, in the month of April, in the year of our Lord one thousand eight hundred and seventeen, between Richard Rush, Esquire, at that time acting as Secretary for the Department of State of the United States, for and in behalf of the Government of the United States; and the right honorable Charles Bagot, his Britannic majesty's envoy extraordinary and minister plenipotentiary, for and in behalf of his Britannic majesty; which arrangement is in the words following, to wit:

Arrangement, in
1817, as to the
American & Bri-
tish naval force
to be maintained
on the lakes.

"The naval force to be maintained upon the American lakes, by his majesty and the Government of the United States, shall henceforth be confined to the following vessels on each side; that is—

"On lake Ontario, to one vessel not exceeding one hundred tons burden, and armed with one eighteen pound cannon.

Lake Ontario. } 1

"On the upper lakes, to two vessels, not exceeding like burden each, and armed with like force.

Upper lakes.

"On the waters of lake Champlain, to one vessel not exceeding like burden, and armed with like force.

Lake Champlain.

"All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be there built or armed.

Other vessels to
be dismantled,

"If either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

Stipulation may
cease on six
months' notice.

"The naval force so to be limited shall be restricted to such services as will, in no respect, interfere with the proper duties of the armed vessels of the other party."

Naval force to be
restricted, &c.

And whereas, the Senate of the United States have approved of the said arrangement, and recommended that it should be carried into effect; the same having also received the sanction

Arrangement ap-
proved by Senate,
& sanctioned by
Prince Regent.

1818. of his royal highness the Prince Regent, acting in the name and on the behalf of his Britannic majesty :

Is of full force
and effect.

Now, therefore, I, James Monroe, President of the United States, do, by this, my proclamation, make known and declare, that the arrangement aforesaid, and every stipulation thereof, has been duly entered into, concluded, and confirmed, and is of full force and effect.

Given under my hand, at the City of Washington, this twenty-eighth day of April, in the year of our Lord one thousand eight hundred and eighteen, and of the independence of the United States the forty-second.

JAMES MONROE.

By the President :

JOHN QUINCY ADAMS,
Secretary of State.

AN ACT authorizing the distribution of a sum of money among the representatives of Commodore Edward Preble, and the officers and crew of the brig Syren.

§2,500 appropriated as prize money among the representatives of Comm. Preble, Captain Stewart, officers, & crew, of the Syren, &c. their proportion of the appraised value of the brig Transfer, captured by the Syren, &c.

Be it enacted, &c., That the sum of two thousand five hundred dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated; which sum shall be distributed by the Secretary of the Navy, as prize money, among the representatives of Commodore Edward Preble, deceased, and Captain Charles Stewart, the officers and crew of the brig of war Syren, or to the representatives of such as may be dead, on account of their proportion of the sum of five thousand dollars, the appraised value of the brig Transfer, captured by the said brig Syren, for a breach of the blockade of the port of Tripoli, in the year eighteen hundred and four, during the war carried on by the United States against that power; the said brig Transfer having been taken into the service of the United States by Commodore Edward Preble, commander of the blockading squadron; which brig was regularly condemned, as a good prize, by sentence of a court of admiralty.

APPROVED, February 4, 1819.

AN ACT to remit the duties on a sword imported to be presented to Captain Thomas Macdonough, of the United States navy.

Duties on the sword presented to Capt. Macdonough, in behalf of the crew of the Guerriere, remitted.

Be it enacted, &c., That the duties which have accrued, or which may accrue, to the United States, upon the importation of a sword, to be presented to Captain Thomas Macdonough, of the United States navy, in behalf of the petty officers, seamen, and marines, who served on board the frigate Guerriere, when she was lately under his command in the Mediterranean,

which sword is represented to be, or lately to have been, in the custody of the collector of the district of New York, be, and the said duties are hereby, remitted.

APPROVED, April 17, 1822.

AN ACT for the relief of sundry citizens of Baltimore.

Be it enacted, &c., That, for the detention of the vessels sunk at the mouth of the harbor of Baltimore, in the month of September, one thousand eight hundred and fourteen, there shall be paid to the owners thereof, respectively, or to their legal representatives, such sums as shall be found just and reasonable, to be computed from the seventeenth of February, one thousand eight hundred and fifteen, to the time when the said vessels were respectively delivered to their owners, and from thence to the termination of the period necessary to repair such injuries as were shown to have been done by sinking, and proof of which is exhibited in a copy of the original estimates, verified at Baltimore, by Thorndike Chase and John Snyder, on the twentieth day of February,* one thousand eight hundred and twenty; the several sums to be ascertained in such manner as the Secretary of the Navy shall direct; and which, when ascertained, shall be paid out of any money in the treasury not otherwise appropriated.

Owners of vessels sunk at Baltim'e, in Sept., 1814, to be paid just and reasonable compensation, to be ascertain'd as the Secretary of the Navy may direct.

APPROVED, April 26, 1822.

AN ACT explanatory of an act for the relief of sundry citizens of Baltimore.

Be it enacted, &c., That the act, entitled "An act for the relief of sundry citizens of Baltimore," shall be so construed as to refer to a copy of estimates verified at Baltimore by Thorndike Chase and John Snyder, on the twenty-eighth day of February, one thousand eight hundred and twenty, instead of the twentieth day of February aforesaid.

Former act to be construed to refer to a copy of estimates verified on the 28th instead of 20th February, 1822.

APPROVED, May 7, 1822.

AN ACT rewarding the officers and crews of two gigs, or small boats, under the command of Lieutenant Francis H. Gregory, of the United States navy.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to have distributed as prize money to Lieutenant Francis H. Gregory, of the United States navy, and the officers and crews of two gigs, or small boats, under his command, or to their legal representatives, the sum of three thousand dollars, for the capture and destruction of a British gun-boat, called the Black Snake, in the river St. Lawrence, on the nineteenth day of June, one thousand eight hundred and fourteen, and that the said sum of three thousand dol-

* See explanatory act of May 7, 1822. Also, acts of May 29, 1830, and March 2, 1833.

1830. lars be, and the same is hereby, appropriated, for the purpose aforesaid, out of any moneys in the treasury not otherwise appropriated.

APPROVED, May 4, 1824.

AN ACT for the relief of the widows and orphans of the officers, seamen, and marines, of the sloop of war Hornet.

Certain relatives of the crew of the Hornet, entitled to six months' pay, in addition to pay due Sept. 10, 1829.

Be it enacted, &c., That the widows, if any such there be, and in case there be no widow, the child or children; and if there be no child, then the parent or parents; and if there be no parent, then the brothers and sisters of the officers, seamen, and marines, who were in the service of the United States, and lost in the United States' sloop of war Hornet; shall be entitled to, and receive, out of any money in the treasury not otherwise appropriated, a sum equal to six months' pay of their respective deceased relatives, aforesaid, in addition to the pay due to the said deceased, on the tenth day of September last, up to which day the arrears of pay due the deceased shall be allowed and paid by the accounting officers of the navy department.

APPROVED, April 24, 1830.

AN ACT for the relief of sundry owners of vessels sunk for the defence of Baltimore.

Value to be ascertained,

SEC. 1. *Be it enacted, &c.*, That the third auditor of the treasury ascertain the value of the following vessels, at the time they were taken to be sunk for the defence of the city of Baltimore, in the year one thousand eight hundred and fourteen, to wit: the ships Thomas Wilson, Chesapeake, Adriana, Sciota, Temperance, Fabius, India Packet, Mars, and Nancy; brigs Aid, George, Swallow, Blanche, Sally, Eliza, Betsey, Father and Son, and Ann; schooners Scudder, Ann, Columbia, Enterprise, and Packet, and the sloop Rosanna; and to allow to the owners, respectively, the amount of twenty-five per centum on said valuation: *provided*, that in each and every case, the said valuation shall be duly established by full and competent disinterested testimony, and that the damages sustained in the vessels in question, by being sunk and raised exclusively, was to the full extent of the said per centum over and above all the amount or amounts heretofore received for said damages by said owners, or their legal representatives, respectively; *and provided, also*, that the said vessels, at the time they were taken, were sound and sea-worthy, and would have remained sea-worthy at the return of peace in one thousand eight hundred and fifteen; *and provided, also*, that in no instance where any vessel is not proven to have been sea-worthy at the time she was taken to be sunk, shall a greater allowance be made than will, with the money heretofore received for damage and detention of such vessel, and the value thereof at the time she was raised, with such rigging or other articles as have been sold

By disinterested testimony.

That the vessels were seaworthy when taken.

Compensation for vessels not seaworthy.

or reserved by the proper owner, amount to the value of the vessel at the time she was taken to be sunk. 1832.

SEC. 2. *And be it further enacted*, That the amount so found by the third auditor shall be paid to the owners respectively, or to their legal representatives, by the Secretary of the Treasury, out of any money, not otherwise appropriated or be applied on debts due by them to the United States, as the case may be. Appropriation.

APPROVED, May 29, 1830.

AN ACT making appropriations for naval service for the year 1831.

For rebuilding and removing the monument, erected in the navy yard at Washington, by the officers of the American navy, to the memory of those who fell in battle in the Tripolitan war, a sum not exceeding twenty-one hundred dollars, to be expended under the orders of the Secretary of the Navy. Removing monument at navy yard, \$2,100.

APPROVED, March 2, 1831.

AN ACT making appropriations for the support of Government for the year one thousand eight hundred and thirty-two.

For the purpose of defraying the expenses of a survey of the waters of Narragansett bay, to be made under the direction of the Secretary of the Navy, with a view to ascertain the practicability and expediency of establishing a naval depôt therein, five thousand dollars. Survey of Narragansett bay.

For enabling the President of the United States to obtain, from the Norfolk Bridge Company, a release and conveyance to the United States of the bridge over the southern branch of the Elizabeth river, between the navy yard and the dry dock, and of the road leading from the same to the southwestern side of said yard, the sum of sixteen thousand dollars: *provided*, the Secretary of the Navy shall be satisfied that the said sum does not exceed the value of the same: *and provided*, that the Attorney General of the United States shall be satisfied of the validity of the title, and that the right thus acquired will authorize the United States to remove the bridge, and to enclose the road within the navy yard. Norfolk bridge, \$5,000. \$16,000.

APPROVED, May 5, 1832.

AN ACT to provide for completing the removal and erection of the naval monument.

Be it enacted, &c., That, for the purpose of paying the workmen for renewing the inscriptions, and giving uniformity of color to the naval monument, its ornaments and statues, recently removed from the Washington navy yard to the Capitol square, a sum not exceeding two hundred dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated. \$200 appropriated.

APPROVED, July 14, 1832.

1833.

AN ACT for the relief of Thomas Holdup Stevens, and others.

\$2000 to be distributed as prize money.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause the sum of two thousand dollars to be distributed, as prize money, to Captain Thomas Holdup Stevens, of the United States navy, and the other captors of a piratical felucca within the Colorados reef, in the West Indies, in April, eighteen hundred and twenty-three, which vessel was taken into the service of the United States; and that the said sum be, and the same is hereby, appropriated, for the purpose aforesaid, out of any moneys in the treasury not otherwise appropriated.

APPROVED, July 14, 1832.

A RESOLUTION for the relief of sundry owners of vessels sunk for the defence of Baltimore.

Memorial referred to 3d auditor for decision;

Resolved, &c., That the memorial of John S. Stiles, and the memorial of the other owners, of vessels taken and sunk for the defence of Baltimore during the late war, with the papers and documents referred to the Committee on Claims of the House of Representatives in the cases aforesaid, be referred to the third auditor for his decision, under the act of May twenty-nine, eighteen hundred and thirty, "for the relief of sundry owners of vessels sunk for the defence of Baltimore;" which decision shall be subject to the supervision of the Secretary of the Navy.

subject to supervision of secretary of the navy.

APPROVED, March 2, 1833.

AN ACT for the relief of the widows and orphans of the officers and seamen who were lost in the United States schooner, the Sylph.

Relatives allowed a sum equal to 6 months' pay.

Be it enacted, &c., That the widows, if any such there be, and in case there be no widow, the child or children, and if there be no child, then the parents or parent, and, if there be no parent, then the brothers and sisters, of the officers and seamen who were in the service of the United States, and lost in the schooner Sylph, shall be entitled to, and receive, out of any money in the treasury not otherwise appropriated, a sum equal to six months' pay of their respective deceased relatives aforesaid, in addition to the pay due to the said deceased on the fifteenth day of August, one thousand eight hundred and thirty-one, to which day the arrears of pay due the deceased shall be allowed and paid by the accounting officers of the navy department.

APPROVED, March 2, 1833.

AN ACT to enable the President to make an arrangement with the Government of France in relation to certain French seamen killed or wounded at Toulon, and their families.

Preamble.

Whereas certain French seamen were unfortunately killed, and others wounded, by firing a salute from the American fri-

gate United States, in the harbor of Toulon, on the first day of May last, and whereas it is proper to manifest the sensibility, with which the disastrous accident is viewed by the Government of the United States, therefore, 1836.

SEC. 1. *Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized and empowered to enter into an arrangement with the Government of France for the payment of an annual sum of twice the amount receivable by the navy pensioners of the same or a similar class to the wounded who survive, and to such relatives of those who were unhappily killed as aforesaid, as the President may deem it expedient to include in this provision, which said sum shall be paid on the earliest day practicable after the proposed arrangement shall be concluded, and on the same day in each year thereafter during the respective lives of the persons to whom granted.

President to enter into arrangement with France to pay double pensions to the wounded, and to relatives of those killed.

SEC. 2. *And be it further enacted*, That a sum of money sufficient to enable the President to carry the aforesaid arrangement into effect be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated.

Appropriation for the purpose.

APPROVED, June 28, 1834.

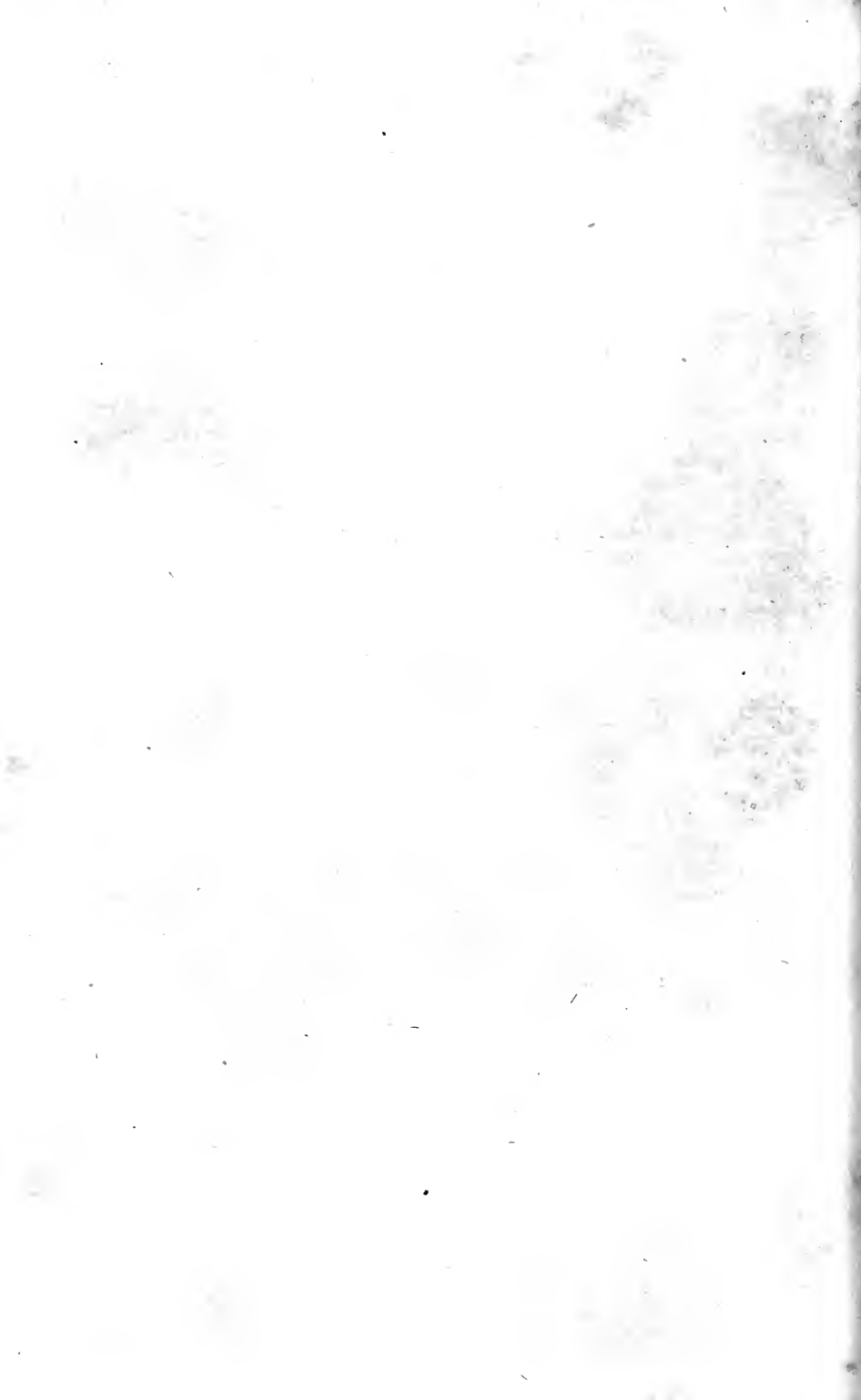
AN ACT making appropriations for the naval service for the year 1836.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to send out a surveying and exploring expedition to the Pacific ocean and the South seas, and for that purpose to employ a sloop of war, and to purchase or provide such other smaller vessels as may be necessary and proper to render the said expedition efficient and useful, and for this purpose the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, and in addition thereto, if necessary, the President of the United States is authorized to use other means in the control of the navy department, not exceeding one hundred and fifty thousand dollars, for the objects required.

\$150,000 to enable the President to send out an exploring expedition to the South seas, &c.

Other means to the amount of \$150,000 may be used by him.

APPROVED, May 14, 1836.



ACTS

FOR THE RELIEF OF INDIVIDUALS.

ALPHABETICALLY ARRANGED.

FRANCIS W. ARMSTRONG.

[Maintenance of fifteen Africans. See Taliaferro Livingston.]

1831, Feb. 25

ANDREW ARMSTRONG.

The proper accounting officers of the treasury authorized and required to re-adjust the accounts of Andrew Armstrong, late navy agent at Lima, in Peru, and to allow him a commission of five per centum on moneys disbursed and stores distributed; the amount of damages paid by the said A. A. on bills drawn by him on the Secretary of the Navy, and protested for non-payment; the sum of \$4,279 68, paid for tobacco purchased of H. McCulloch, and delivered over to Philo White; and, also, the amount of \$3,595 15, in lieu of all other charges and expenses of clerk hire, stationery, and office rent, and his expenses and compensation during the time he was in Lima, in consequence of the protest of his bills on the Secretary of the Navy, and on his return to the U. S. 1834, June 30.

SEC. 2. The balance found due to said Armstrong upon the re-adjustment of his account, upon the principles herein directed, to be paid to him.

WILLIAM D. ACKEN.

The proper accounting officer of the Treasury Department to cause to be paid the sum of \$82 27 to William D. Acken, late agent for the preservation of timber on the public lands in Florida, in addition to the allowances already made by the Navy Department, and in full of all demands for contingent expenses on account of said agency. 1834, June 30

JAMES BARRON.

That there be paid to James Barron, a captain in the navy of the U. S., the sum of \$70 20, being the amount of duties paid by the said Barron to the collector of New York, for certain models for spinning rope yarns, imported by the said Barron into the port of New York, in August, 1815. 1822, May 7.

The full and exclusive right granted to James Barron, his heirs, administrators, and assigns, for the term of fourteen 1836, July 2.

years from the 14th January, 1833, of making, constructing, using, and vending to others to be used, his improvement in the apparatus or machinery for manufacturing bottle corks, a description of which is given in a schedule annexed to letters patent granted to the said James Barron on the 13th January, 1819.

SEC. 2. Also, for the term of fourteen years from the 20th February, 1833, the full and exclusive right and liberty of making, constructing, using, and vending to others to be used, his improvement in the pump for air or water, a description of which is given in a schedule annexed to letters patent granted to the said James Barron for the same, on the 20th February, 1819: *provided*, that all rights and privileges heretofore sold or granted by said patentee, to make, construct, use, or vend the said improvements, or either of them, and not forfeited by the purchasers or grantees, shall enure to, and be employed by, such purchasers or grantees, respectively, as fully, and upon the same conditions, during the periods thereby granted, as for the term which did exist when such sale or grant was made.

SEC. 3. Any person who has bona fide erected or constructed any manufacture or machine, for the purpose of putting said improvements, or either of them, into use, after the expiration of said patents heretofore granted, or is now erecting or constructing any manufacture or machine for the purpose aforesaid, shall have and enjoy the right of using such improvement or improvements now erected or constructed, or now being erected or constructed.

JOSEPH BAINBRIDGE.

1822, May 7. The accounting officers of the Treasury Department authorized and directed to allow Joseph Bainbridge, a captain in the navy of the U. S., the sum of \$5,697 42, in the settlement of his accounts: *provided*, the same shall not exceed the apparent balance now standing against the said Joseph Bainbridge.

HEIRS OF JOHNSTON BLAKELEY.

1823, Mar. 3. The proper accounting officers of the Treasury Department authorized and directed to pass to the credit of the account of Johnston Blakeley, late a captain in the U. S. navy, the sum of \$3,028 64, being the amount of moneys advanced to the said Blakeley, before the first day of May, 1814, for the use of the U. S. navy.

CHARLES D. BRODIE.

1825, Mar. 3. The sum of \$1,000 to be paid to Charles D. Brodie, for his invention and services in stopping a leak in the bottom of the Delaware 74.

MARY J. BABBIT, mother of FITZ HENRY BABBIT.

1833, Mar. 2. A pension of \$200 per annum, for the term of five years, to

commence on the 29th day of November, 1830, allowed, and to be paid semi-annually, out of the navy pension fund, to Mary J. Babbit, the mother of Fitz Henry Babbit, late a lieutenant in navy of the U. S., to cease, in case of the death of Mary J. Babbit, before the expiration of said term of five years.

Further extended for the term of five years from the 29th day 1836, July 2. of November last, provided she lives so long, otherwise, during her life.

EDWARD B. BABBIT.

The proper accounting officer of the Treasury Department 1833, Mar. 2. authorized and required, in the settlement of the accounts of Edward B. Babbit, a lieutenant in the navy of the U. S., to allow him a credit for the sum of \$781 50, being an amount received from the purser by him while acting as commander of the frigate Guerriere, in January, 1831, in the Pacific ocean, under the former regulations of the naval service, beyond the amount to which he was entitled according to the regulations digested and published in the year 1832.

FRANCIS BARNES.

In the settlement of the contract of Francis Barnes with the 1834, June 19. Board of Navy Commissioners, to supply whiskey for the use of the navy for the year 1831, the accounting officers of the treasury to allow him the sum of \$700 out of the amount charged him for the difference between the contract price and the sum paid by the navy agent at Baltimore, in the purchase of 20,000 gallons of whiskey, which said Barnes had failed to supply on a requisition under his contract.

NOAH and ADAM BROWN.

The Secretary of the Treasury authorized and directed to 1836, July 2. pay to Noah Brown, and the legal representatives of Adam Brown, the sum of \$5,030, being the amount of losses sustained by A. and N. B. upon the sale of treasury notes made by them in the years 1814 and 1815, under an agreement with the commissioners for building the steam frigate Fulton the first.

JOHN P. BRIGGS.

The Secretary of the Navy authorized and required to place 1837, Mar. 3. upon the list of invalid pensioners of the navy pension fund, at the rate of \$25 per month, to be paid out of said fund, John P. Briggs, late an acting surgeon on board of the ship Saratoga, who was wounded by a splinter, in the action with the British fleet on lake Champlain, on the 11th September, 1814; to commence on the 1st October, 1832.

JAMES BASSETT.

[March 3, 1839. See Jarius Loomis.]

1839 Mar. 3.

MELANCTON W. BOSTWICK.

1840, July 20. The Secretary of the Treasury authorized and required to cancel and annul a bond given by Melancton W. Bostwick, John Taylor, Chauncey Belding, Caleb Holmes, and Samuel Belding, bearing date the 6th August, 1814, in the penal sum of \$10,000; conditioned for the faithful conduct of Melancton W. Bostwick, a purser in the navy of the U. S., who perished in the brig Epervier.

WILLIAM C. BOLTON. See FINCH.

BENJAMIN F. BOURNE. See GEORGE JOHNSTON.

MARY CHEVER.

1814, April 12. A gratuity of \$25 quarter-yearly, to be paid out of the navy pension fund, to Mary Chever, for and during her life, as a gratuity from Congress on account of the distinguished bravery and services of her two sons, John Chever and Joseph P. Chever, who were seamen on board the frigate Constitution, and who were slain at the capture of the British frigate Java.

JAMES H. CLARK.

1823, Mar. 3. The accounting officers of the Treasury Department authorized and directed to allow James H. Clark the sum of \$816, in the settlement of his accounts; the same being the amount of money of which he was robbed in Marseilles, on the 3d December, 1815.

JOHN K. CARTER.

1824, May 21. The proper accounting officers of the Treasury Department authorized to pass to the credit of John K. Carter such sum as shall be satisfactorily shown to have been the depreciation on treasury notes, advanced by the Government, and expended by him in the recruiting service, in the city of New York, from the 1st August, 1814, to the 1st May, 1815, taking for the rule of allowance the difference in value between the treasury notes so advanced, and the money current at par, in the city of New York, at the periods when the advances were made, and confining the allowances to the loss on the sums actually expended within the periods before mentioned.

ALEXANDER CLAXTON.

1830, May 28. The Secretary of the Navy to pay to the person or persons who may be legally entitled to receive the same, or who may have legally paid the same, the taxable costs decreed to be paid by Alexander Claxton, a master commandant in the navy of the U. S., in the suit prosecuted by him against the English merchant ship James Mitchell, in the Superior Court of the District of East Florida; and a sum, not exceeding \$5,264 98, appropriated for the purpose.

SEC. 2. The proper accounting officers of the Treasury Department authorized and directed to audit and allow the accounts of the said Alexander Claxton, for his reasonable expenses, incurred by him in and about the prosecution of his claim for salvage against the English merchant ship James Mitchell, in the Superior Court of the District of East Florida, so as that said expenses shall not exceed \$872 75 ; and the amount when ascertained, to be paid to the said Alexander Claxton.

The proper accounting officers of the Treasury Department 1833, Mar. 2. authorized and directed to allow to A. C., a captain in the navy of the U. S., in the settlement of his account, for his reasonable expenses incurred in and about the prosecution of his claim for salvage against the English merchant ship James Mitchell, in the Superior Court of the District of East Florida, in addition to the sum provided by the act to which this is a supplement, the further sum of \$637.

JOSEPH S. CANNON.

The Secretary of the Navy authorized and required to place 1831, Mar. 3. the name of Joseph S. Cannon on the navy pension list, at the rate of \$10 per month, payable from the 1st January, 1829.

WOLCOTT CHAUNCEY.

The proper accounting officers of the Treasury Department 1834, June 30. authorized to audit and settle the account of Wolcott Chauncey, now a captain in the navy of the U. S., on the principles of equity and justice ; and to allow, in the settlement thereof, whatever loss may have been sustained by him from the sale of treasury notes received by him in the years 1814 and 1815, and applied to the public service under the direction of the Navy Department : *provided*, that the allowance so, as afore-said, made, shall not exceed the sum of \$766 20.

HORATIO N. CRABB.

Horatio N. Crabb, a lieutenant of the marine corps of the U. 1834, June 30. S., allowed and paid, out of the funds appropriated for the naval service, for services performed by him for the quartermaster's department of the said corps, at the rate of \$15 a month, from June 25, 1830, to November 4, 1830 ; and from December 9, 1830, to November 30, 1831, each of said days included.

RICHARD DALE.

The proper accounting officers of the Navy Department au- 1814, Jan. 11. thorized and required to settle and adjust the account of Richard Dale, and pass to his credit the amount of such sea stores as may have been furnished him by the U. S. while he was commander of the U. S. ship Ganges : *provided*, the said R. D. will relinquish all claims to the rations to which he may be entitled.

DANIEL DOBBINS. See RUFUS S. REED.

PENELOPE DENNY.

1826, May 16. A pension of \$108 per annum, for the term of five years from the 9th November, 1822, allowed and to be paid, out of the navy pension fund, to Penelope Denny, the mother of James Denny, late a quarter-gunner in the navy of the U. S.; to cease in case of the death or marriage of the said P. D. before the expiration of said term.

SILAS DUNCAN.

1826, May 13. The provisions of the joint resolutions of Congress, passed Oct. 20, 1814, entitled "Resolutions expressive of the sense of Congress of the gallant conduct of Captain Thomas Macdonough, the officers, seamen, and marines, and infantry serving as marines, on board of the U. S. squadron on lake Champlain," to be so construed and extended as to include the name of Silas Duncan, a lieutenant in the navy of the U. S., in testimony of the sense which is entertained by both Houses of Congress, of the distinguished gallantry and good conduct of the said Lieutenant Duncan, in an action with the enemy's forces, on the 6th September, 1814, on the same lake.

JOHN S. DEVLIN.

1833, Feb. 27. The proper accounting officers of the treasury directed to settle the accounts of John S. Devlin, quartermaster sergeant in the U. S. marine corps, upon principles of equity and justice.

1836, July 1. The Secretary of the Treasury authorized to pay to John S. Devlin, quartermaster sergeant of the U. S. marine corps, the sum of \$190, being in full for extra services rendered in the capacity of clerk.

THOMAS DORNIN.

1834, June 30. The sum of \$129 appropriated for compensation to Lieut. Thomas Dornin, for extra services in surveying the coast in 1827; the said sum having been carried to the surplus fund from a former appropriation.

JOHN DOWNES.

1835, Mar. 3. The sum of \$1,080 appropriated, to be paid to Captain J. D. in reimbursement of the cost of presents to the native authorities in the Society and Sandwich islands, while commanding the squadron of the U. S. of the Pacific ocean.

1840, July 20. The Secretary of the Treasury authorized and directed to allow to Captain John Downes, in the settlement of his account, the sum of \$723 60 with which he stands charged twice in his account at the Treasury Department, and cause the said sum of \$723 60 to be paid to the said Captain John Downes.

SUSAN DECATUR.

Mrs. Susan Decatur, widow of the late Commodore Stephen Decatur, to be paid, from the navy pension fund, a pension for five years, commencing from the 30th June, 1834, in conformity with the provisions of the act concerning naval pensions and the navy pension fund, passed 30th June, 1834; and be allowed from said fund the arrearages of the half-pay of a post captain, from the death of Commodore Decatur to the 30th June, 1834, together with the pension hereby allowed her; and the arrearage of said pension to be vested in the Secretary of the Treasury in trust for the use of the said Susan Decatur. The said pension to cease on her death or marriage. 1837, Mar. 3.

JESSE E. DOW.

The sum of \$153 33 to be paid to Jesse E. Dow, for his time and expenses in bearing despatches from Commodore Elliott, commanding the U. S. naval squadron in the Mediterranean, and from Mr. Kavanagh, our chargé d'affaires in Portugal, to the Navy and State Departments of the U. S. 1839, Mar. 2.

LEONARD DENISON and ELISHA ELY.

SEC. 1. The Fourth Auditor of the Treasury to ascertain the damages sustained, and the expenses incurred, by Leonard Denison and Elisha Ely, arising from the omission, on the part of the navy officer at Sacket's Harbor, to deliver, within a reasonable time, the whole of 1491 tons, 14cwt. 3qrs. and 5lbs. of the armament and naval stores at that station to them, after the 10th June, 1825, to be transported, under a contract made with the Navy Commissioners, to Brooklyn, in New York. 1832, Mar. 29.

SEC. 2. The damages and expenses so ascertained shall be subject to the supervision of the Secretary of the Navy: and when the amount shall be finally settled and adjusted, the same shall be paid.

ELISHA ELY. See L. DENISON and E. ELY.

JOHN B. FANNING.

The Secretary of the Navy authorized and required to adjust and settle the accounts of John B. Fanning, late a purser in the navy of the U. S., upon principles of equity and justice, and to make such allowances to the administrator of his estate, as, under the circumstances of the case, shall appear just and reasonable: *provided, however*, that no allowance shall be made by virtue of this act, beyond the balance now standing against said Fanning on the books of the Navy Department. 1824, May 19.

WILLIAM B. FINCH.

\$5,000 appropriated to enable the President of the U. S. to allow compensation to Captain William B. Finch, for extra 1831, Mar. 2.

services and expenses in command of the sloop of war Vincennes, in the years 1829 and 1830 ; the accounts for such services and expenses to be settled under the direction of the President.

1833, Jan. 14. William Bolton Finch, a post captain in the navy of the U. S., and Elizabeth B. Finch, his sister, both of the District of Columbia, respectively authorized, from and after the passage of this act, to take and use the surname of Bolton ; and the name of said William to be hereafter William Compton Bolton, and the name of the said Elizabeth, hereafter, to be Elizabeth Bolton ; by which names, respectively, all acts and engagements done or made may be enforced, and have the same effect and operation in law, as if their names had originally been William Compton Bolton and Elizabeth Bolton.

Heirs of ROBERT FULTON.

1836, June 23. The petition and papers of the heirs of Robert Fulton, referred to the Secretary of the Navy, to state an account between the U. S. and said heirs, by debiting them with all the moneys paid to the said R. F., and not settled on the books of the Treasury Department.

Second: To credit the said heirs with all moneys advanced or expended by the said Fulton, in and about the business of the U. S., committed to his care, or about which he had an agency.

Third: To credit the said heirs a compensation commensurate with the value and importance of the services rendered by the said R. F., to the U. S., in inventing a system of coast and harbor defence, and in testing its utility, so far as he was employed or engaged to render such services by the authorities of the U. S., or when such services were recognised as having been rendered for the U. S., previous to, or during, the late war with Great Britain.

Fourth: To credit the said heirs with the like compensation, for the services of the said R. F., for inventing and in superintending the construction of a steam frigate, at New York, during and after said war.

Fifth: To credit the said heirs with a just and equitable compensation, for the detention of the steamboat Vesuvius, at New Orleans, from the 30th December, 1814, to the 12th March, 1815, both days inclusive, being the time the said boat remained aground by reason of her being impressed into the service of the U. S., and grounded when in said service.

The said Secretary of the Navy authorized to take such further testimony as he shall think necessary, and ascertain what defence was made to the suit in favor of the U. S. against the representatives of R. F., in the southern district of New York, and what composed the items of set-off to the claim of the U. S. ; and the said Secretary to report his proceedings at the next session of Congress.

JONATHAN M. FOLTZ.

The same pay allowed, from the 7th June, 1836, to the 9th 1839, Mar. 3. March, 1837, to J. M. Foltz, that was allowed to surgeon at the head quarters of the U. S. marine corps, who was relieved by him, by order of the Secretary of the Navy.

ELIAS GLENN.

The Secretary of the Treasury authorized to pay to Elias 1825, Mar. 3. Glenn the sum of \$100, in full for his services in taking depositions, at the instance and request of the late Secretary of the Navy.

FRANCIS H. GREGORY.

The proper accounting officers of the Treasury Department 1828, May 26. authorized and directed to audit and allow the account of Lieutenant Francis H. Gregory, late commander of the U. S. schooner Grampus, for expenses incurred by him in prosecuting, in the courts of the U. S., the suit in the case of the brig Palmira or Panchita, captured on the high seas for alleged piratical aggressions, and sent into the U. S. for adjudication; and the amount of said expenses, when ascertained, to be paid to the said Francis H. Gregory.

JOHN M. GAMBLE.

The Secretary of the Navy authorized and directed to cause 1836, July 2. to be paid to John M. Gamble, twenty-five cents for each ration furnished by him to seventeen seamen and four marines, together with six prisoners of war, under his command, when left by Commodore Porter in charge of prizes in the Pacific ocean, during the years 1813 and 1814.

SPENCER C. GIST.

The proper accounting officers of the Treasury authorized 1839, Mar. 3. to settle and adjust the account of Spencer C. Gist, a midshipman in the navy of the U. S., for his services as an acting lieutenant on board the frigate Guerriere, Captain Thompson, in the Pacific ocean, from the 10th March, 1830, to the 28th December, 1831; and to allow him the extra pay and emoluments to which he may be entitled, over and above the amount already received by him as midshipman and acting sailingmaster of said ship; and the amount so found due to the said Spencer C. Gist to be paid.

SETH HARDING.

The Secretary of the Navy directed to place upon the navy 1807, Feb. 6. list of invalid pensioners of the U. S., Seth Harding, late a captain in the navy of the U. S., who has been so disabled in the line of his duty, while in service, that he is unable to support himself by labor; and who shall be entitled to receive one-half his monthly pay of a captain in the navy, to

commence from the 1st January, 1804, agreeably to the provisions contained in the act, entitled "An act for the better government of the navy of the U. S."

JOHN HALL.

- 1818, April 20. The proper accounting officers of the Treasury Department authorized and directed to credit John Hall, late a major of marines, with the sum of \$2,400, in the settlement of his accounts, the same being part of a sum of money deposited in the hands of the said Hall, for the purpose of purchasing supplies for the marines under his command, and of which the said Hall was robbed in Marseilles, in France.

SAMUEL F. HOOKER.

- 1818, April 20. The proper accounting officers of the Treasury Department authorized and directed to settle the claim of S. F. Hooker, of Sacket's Harbor, in the State of New York, for property taken and occupied for public use, at Sacket's Harbor aforesaid, and for a house and barn destroyed by the enemy during the late war, at Cape St. Vincent, or Gravelly Point, which had been rented by authority of the U. S. for barracks; and the sum which shall be found due shall be paid to the said Samuel F. Hooker: *provided*, it shall not exceed, in the whole, \$3,867 66.
- 1819, Feb. 15. The proper officers of the Treasury Department authorized and required to pay S. F. Hooker, the sum of \$785.
- 1823, Feb. 28. The Secretary of the Navy authorized and empowered to audit and settle, upon such principles as are applicable to contracts, the claims of S. F. Hooker, against the Navy Department of the U. S.; with authority, if he shall think proper so to do, to submit said claims to arbitration.
- SEC. 2. The amount of the claims, when ascertained, to be paid, deducting whatever advances may have been made to the said Samuel F. Hooker, upon such claims.

JOHN H. HOLLAND.

- 1836, July 2. The Secretary of the Treasury to pay to John H. Holland \$1,371 47, for his expense and charges incurred in the care, clothing, and subsistence of a number of Africans placed in his charge, as marshal of the eastern district of Louisiana, under the laws of the U. S. relative to the slave trade.
- SEC. 2. The Secretary of the Navy to take and receive further testimony relative to so much of the account of said John H. Holland, as is embraced in the charges of Dr. James S. McFarlan for professional services and medicine, and allow a reasonable and just amount for the services actually rendered by said McFarlan, and medicine furnished said Africans; to report said amount, so allowed, to the Secretary of the Treasury, who is directed to pay said amount, so certified, to the said John H. Holland.

BENJAMIN HEWITT.

The Secretary of the Navy authorized to examine and decide upon the claim of Benjamin Hewitt, agreeably to the provisions of the resolution of the 10th February, 1832, empowering the Secretary of the Navy to settle certain contracts and relinquish certain forfeitures, and to extend to him the full benefit of said resolution, if he finds and adjudges his case to be within the principle thereof. 1839, Mar. 3.

GEORGE JOHNSTON.

George Johnston released from the effects of the judgment obtained against him by the U. S., in the circuit court of the U. S. for the first judicial district, as one of the sureties of Benjamin F. Bourne, late a purser in the navy of the U. S. 1831, Mar. 2.

The above act amended, so as to be deemed and construed to apply to a judgment recovered by the U. S. of America against George Johnston, as one of the sureties of Benjamin F. Bourne, late a purser in the U. S. navy, in the district court of the U. S. for the eastern district of Louisiana; the judgment intended in the said act having been obtained in that court against the said George Johnston as surety as aforesaid, but through mistake not being so referred to. 1832, July 14.

THOMAS AP C. JONES.

The proper accounting officers of the Navy Department, authorized and directed to audit and settle the accounts of Thomas Ap Catesby Jones, a lieutenant of the navy of the U. S., and to allow him, in the settlement thereof, such credits as may be equitable and just. 1816, April 26.

The Secretary of the Navy authorized and directed to allow and pay to Thomas Ap C. Jones, out of the navy pension fund, as arrears of pension to which he is entitled on account of a permanent disability occasioned by a wound received by him in battle with the enemy during the last war with Great Britain, the sum of \$20 per month, from the 18th of July, 1815, to the 15th November, 1831, deducting therefrom any sum, accruing between these dates, which may have been paid him on account of the pension allowed him by the commissioners of the navy pension fund, on the 31st July, 1828. 1834, May 10.

JOHN JUDGE. See JAMES TUCKER.

1836, July 1.

EZEKIEL JONES.

The proper accounting officers of the Treasury authorized to allow to Ezekiel Jones, for his services as commander of the revenue cutter "Washington," while acting in conjunction with the navy of the U. S. in 1836, the same amount of pay as a lieutenant in the navy would be entitled to receive for like services, deducting therefrom the sum which he has already received therefor. 1839, Mar. 3.

EDMUND P. KENNEDY.

- 1819, Mar. 3. The proper accounting officers of the Treasury Department authorized to audit and settle the account of Captain Edmund P. Kennedy, in such manner, and upon such terms, as may be reasonable and just.

SAMUEL KEEP.

- 1832, Mar. 15. The proper accounting officers of the Treasury authorized and required to adjust and settle, upon the principles of justice and equity, the accounts and claims of the legal representatives of Samuel Keep, relative to a certain contract made on the 8th September, 1826, by the Board of Navy Commissioners of the one part, and the said Samuel Keep of the other part.
- SEC. 2. All moneys allowed to the legal representatives of the said Samuel Keep, on such adjustment and settlement, to be paid.

GEORGE LITTLE.

- 1807, Jan. 17. The proper accounting officers to liquidate and adjust, with George Little, the account of damages, interest and charges, in the case of the brig Flying Fish, captured by him while commander of the frigate Boston, in the service of the U. S., during the year 1799, and afterwards libelled in the district court of the U. S. for the district of Massachusetts; in which case judgment was ultimately rendered by the circuit court, in pursuance of a decision of the Supreme Court of the U. S.; and so much as may be necessary for satisfying the same, to be paid.

ERASTUS LOOMIS.

- 1816, Mar. 25. The proper accounting officers of the Navy Department authorized to adjust and settle the claim of Erastus Loomis, and allow him the pay and emoluments of a second lieutenant of marines, from the 1st August, 1814, to the 28th Dec. 1815; also, the expenses incurred by said Loomis, in consequence of a wound received by him whilst gallantly doing his duty on board the brig Eagle, in the action on lake Champlain, on the 11th Sept., 1814; the amount whereof shall be paid out of any money in the treasury not otherwise appropriated.

EDWARD LEE.

- 1826, Dec. 29. The Secretary of the Treasury to pay to Edward Lee the sum of \$2,812 50, the value of 37,500 pounds of navy bread, which he contracted with Commodore Chauncey, to deliver at Sacket's Harbor, on or before the 1st Dec., 1813, for the use of the navy, and which, being examined by the proper officer, was left in possession of the said Lee, for the want of a convenient place to receive it into the public stores, and was thereafter accidentally destroyed by fire.

TALIAFERRO LIVINGSTON.

The Secretary of the Navy authorized to pay, out of an appropriation of \$30,000 for the suppression of the slave trade, the claim of the administrator of the estate of Taliaferro Livingston, late U. S. Marshal for the district of Alabama, for the maintenance of sundry Africans captured in 1818: the said administrator to produce satisfactory evidence of the reasonableness of the charges of the said maintenance; and the sums received by the said Livingston for the hire of the said Africans, and for the labor performed for him by said Africans, if any, to be accounted for, and deducted. 1828, May 24.

TALIAFERRO LIVINGSTON and FRANCIS W. ARMSTRONG.

The Secretary of the Navy authorized to pay, out of the sum appropriated for the suppression of the slave trade, the claim of the heirs of Taliaferro Livingston, late Marshal of the U. S. for the district of Alabama, for the maintenance of fifteen Africans, illegally imported into the U. S. in the schooners Louisa and Marino, in 1818: satisfactory evidence of the reasonableness of the charges for said maintenance to be furnished, and the sums received by the said Livingston for the hire of said Africans, and for the labor performed for him by them, if any, to be accounted for, and deducted. 1831, Feb. 25.

SEC. 2. The same allowance to be made to Francis W. Armstrong, Marshal of the U. S. for the district of Alabama, for the time that the aforesaid fifteen Africans were kept by him, subject, in the settlement, to the same restrictions provided for in the first section of this act.

JOHN LACY.

The proper accounting officers of the Treasury authorized and required to audit, adjust, and settle, upon principles of justice and equity, the account of John Lacy, for losses said to have been sustained by him in consequence of the non-compliance on the part of the U. S. with the conditions of a contract into which the said John Lacy had entered with Captains Porter and Warrington, acting in behalf of the U. S., in the year 1824; and the amount ascertained to be due, to be paid to the said John Lacy, or to his legal representatives. The said accounting officers not to allow any estimate for salvage on account of the loss of the schooner Mary and Elizabeth. 1832, July 3.

JARIUS LOOMIS, and heirs of JAMES BASSET.

The sum of \$5,465 appropriated, to be distributed as prize money, by the Secretary of the Navy, among the officers and crews, their, or either of their heirs, or legal representatives, of the gunboats numbered 149 and 154, who, in attempting to pass up the river Appalachicola, with a convoy of provisions and stores in the month of July, 1816, were attacked by a fort 1839, Mar. 3.

situated on said river, and occupied by a number of fugitive negroes and Indians; and who, in resisting said attack, blew up and destroyed said fort, with the greatest part of those by whom it was occupied.

ALEXANDER MURRAY.

- 1805, Jan. 31. The proper accounting officers to liquidate and adjust with Alexander Murray, the account of damages, interest, and charges, in the case of the schooner *Charming Betsey*, recaptured by him while commander of the frigate *Constellation*, in the service of the U. S. during the year 1800, and afterwards libelled in the district court of the U. S., for the district of Pennsylvania, in which case judgment was ultimately rendered by the circuit court in pursuance of a decision of the Supreme Court of the U. S.; and so much as may be necessary for satisfying the same appropriated.

ISAAC McKEEVER.

- 1827, Feb. 8. The proper accounting officers of the Treasury Department authorized to allow to Lieutenant Isaac McKeever so much of the proceeds of the forfeitures and penalties as have accrued to the U. S. from the condemnation of the vessels *Marino* and *Louisa*, and their cargoes, as may be necessary to cover his reasonable expenses in prosecuting the suits against the said vessels and cargoes, in the District Court of the U. S. for the District of Alabama, for the violation of the laws of the U. S.

JOHN H. MAGUIRE.

- 1834, May 10. The Secretary of the Treasury to pay to John H. Maguire, the sum of \$350, for investment of the navy pension fund, to the amount of \$140,000, in different stocks, to the acceptance of the Board of Commissioners of the navy pension fund, in the year 1831; being an allowance of one-fourth of one per centum on the amount so invested.

MERVIN P. MIX.

- 1835, Mar. 3. The Secretary of the Navy to audit the claim of Mervin P. Mix, late a lieutenant in the navy of the U. S., for loss incurred by him on disbursing treasury notes for the recruiting service at New York, in the years 1814 and 1815; and authorized to credit said Mix any sum he may prove he has lost in said disbursement, not exceeding the sum of \$651 79: the Secretary of the Navy, before he shall make said credit, shall find that the said loss arose from the sale of said notes, under the orders of Commodore O. H. Perry, under whose command said Mix was employed in the recruiting service.

ELIZABETH MAYS, mother of WILSON MAYS.

- 1836, May 14. A pension of \$114 per annum, for the term of five years, from the 3d September 1834, allowed and to be paid, in half-

yearly payments, out of the navy pension fund, to Elizabeth Mays, the mother of Wilson Mays, late a carpenter's mate in the navy of the U. S., to continue only during the life and widowhood of said E. M.

FRANCIS MALLABY.

The Secretary of the Treasury to pay to Francis Mallaby the 1839, Mar. 3, sum of \$392, for quarters to which he was entitled as sailing-master at the U. S. navy yard at Brooklyn, from the 27th March, 1827, to the 31st December, 1830, inclusive; but which quarters were not furnished him, nor were there any part of that time any quarters that could have been assigned to him, as certified by Commodore Chauncey, then commander of the yard.

JOHN NICHOLSON.

The proper officers of the Treasury to settle and pay to John 1831, Mar. 3. Nicholson, Marshal of the eastern district of Louisiana, such sums as may reasonably be due, or may hereafter become due, to him, for the care, custody, maintenance, and clothing of such Africans as may have been brought into the port of New Orleans, and legally committed to his custody by order of the court of the U. S. for the said district.

JAMES NOBLE.

The proper accounting officers of the Treasury Department 1834, June 30. directed to audit and settle the claims of James Noble, to pay as acting lieutenant, from the 10th day of March, 1830, to 22d of August, 1831; and from 1st December, 1831, to the 14th February, 1832; upon the same principles upon which like claims were settled previous to the date of the order of the Navy Department in relation to such claims, and bearing date the 10th March, 1830.

ASHER PALMER.

The proper accounting officers of the Navy Department au- 1816, April 26. thorized and directed to audit and settle the claim of Asher Palmer, for a small schooner captured by the British forces in the late war, while the same was in the service of the U. S., by ascertaining, or causing to be ascertained, the value thereof, in such manner as shall be reasonable and just. The amount, when so ascertained, to be paid to the said A. P.

Family of the late OLIVER H. PERRY.

From and after the 23d August, 1819, the following sums 1821, Mar. 2. be, and the same hereby are, settled, by way of annuity, payable, under the direction of the Secretary of the Treasury, half yearly, at the Treasury of the U. S., or at the loan office at Providence, at the option of the annuitants, on the widow and

children of the late O. H. Perry, of the U. S. navy ; that is to say :

On Elizabeth Perry, dowager of the aforesaid O. H. Perry, \$400 during her natural life : *provided*, that the said annuity shall cease and determine on the determination of her widowhood :

On Christopher Grant Perry, his eldest son, \$150 :

On Oliver Hazard Perry, his second son, \$150 : and

On Christopher Raymond Perry, his third son, \$150 : until the said Christopher Grant, Oliver Hazard, and Christopher Raymond, shall arrive at full age of twenty-one years respectively :

And on Margaret Perry, only daughter, and youngest child, of the said O. H. Perry, deceased, the sum of \$150, until she shall arrive at the age of twenty-one years aforesaid. In case the said Margaret shall have contracted any marriage on or before she shall reach the age of twenty-one years, aforesaid, then the said pension or annuity shall cease and determine on the day whereon the said marriage shall have been contracted, as aforesaid : and in case the said Margaret shall not have contracted any marriage on that day, or prior thereto, then the said pension or allowance shall continue to be paid until the marriage or natural demise of the said Margaret. In case any of the said children of the said O. H. Perry, deceased, shall die under lawful age as aforesaid, then, and in that case, the pension or annuity granted by this act, shall, in such case, cease and determine, in respect to such child so deceasing.

DANIEL T. PATTERSON.

1825, Mar. 3. The proper accounting officers of the Treasury Department authorized and directed to pass to the credit of Captain Daniel T. Patterson, the sum of \$250, the amount with which he stands overcharged on the books of the Navy Department.

1838, July 7. The Secretary of the Treasury to pay to Captain Daniel T. Patterson, of the navy of the U. S., \$3,391, for extraordinary expenses incurred when he commanded the U. S. squadron in the Mediterranean, in the years 1832, 1833, 1834, and 1835, in receiving and entertaining on board of his ship, the head officers of the Governments of the countries where the presence of said squadron was required for the general protection of the commercial interests of his Government, and for his extraordinary expenses in visiting the courts of those Governments.

BENJAMIN PENDLETON.

1831, Mar. 2. The sum of \$4,763, appropriated for compensation to Captain Benjamin Pendleton, for moneys paid by him for cancelling the charter party, and outfit and demurrage of the brig Seraph, of Stonington, for his pay as a lieutenant of the navy, and for moneys paid by him to the ship keeper of the said vessel.

THOMAS PAINE.

The proper accounting officers of the Treasury authorized 1832, Mar. 23. to pay to Thomas Paine, the sum of \$500, in full for two months and a half provisions lost in the revenue cutter Crawford, on the 16th March, 1829.

JOHN PERCIVAL.

The Secretary of the Treasury directed to pay to John Percival, master commandant in the U. S. navy, \$500, being the amount expended by said Percival while commanding the U. S. schooner Dolphin during a cruise in 1825 and 1826, to the Mulgrave and other islands in the Pacific ocean, to relieve a part of the crew of the whale ship Globe. 1834, June 19.

MATTHEW C. PERRY.

The sum of \$1,500 appropriated, to be paid to Matthew C. Perry, master commandant in the navy of the U. S., for extra services and expenses incurred by him, while commanding the U. S. sloop of war Concord, in obedience to orders, and, more particularly, in the reception on board his ship of Mehemet Ali, the Pacha of Egypt, and a numerous suite. 1835, Mar. 3.

FOXHALL A. PARKER.

The Secretary of the Treasury to pay to Captain F. A. Parker, of the U. S. navy, the sum of \$200, for actual expenses incurred by him while commanding the Fairfield sloop of war, in the Mediterranean, during the year 1828, in carrying out Mr. Edward Wyer, bearer of despatches to the commander of the squadron, in the Mediterranean sea, by order of the Secretary of the Navy of the U. S. 1837, Mar. 3.]

CHARLES W. PICKERING.

The proper accounting officer of the Treasury authorized to adjust and settle the account of Charles W. Pickering, a midshipman in the navy of the U. S., and to allow him the difference between the pay and emoluments of a lieutenant over that of a midshipman, for the period during which he performed the duties of a lieutenant on board the U. S. ship Falmouth, by order of her commander, Francis H. Gregory, in the Pacific ocean, in the year 1833; and the amount so found due to him to be paid. 1837, Mar. 3.

JOHN RODGERS.

Under the peculiar circumstances of the case of an appeal, taken by Commodore John Rodgers, from a decree of the U. S. circuit court for the district of Massachusetts, affirming that of the district court for the said district, to the Supreme Court of the U. S. in the case wherein John Donnell, of Baltimore, was libellant, and the said John Rodgers and John Smith were 1816, Feb. 25.

respondents, the U. S. will indemnify and save harmless any persons who may become sureties for the said John Rodgers, in a bond to respond the final judgment of the Supreme Court on the said appeal. This interposition on the part of the U. S. not to be considered as involving them in any other engagement or responsibility, than to indemnify and save harmless the said sureties from eventual loss, on account of such suretyship.

- 1818, April 11. The proper accounting officers of the Treasury to settle the account of John Rodgers, for expenses actually incurred in the defence of a suit brought against him by John Donnell, of Baltimore, owner of the schooner Eleanor, and finally reversed in the superior court of the U. S., and pay him the sum of \$1,695 79.

RUFUS S. REED and DANIEL DOBBINS.

- 1816, April 27. The proper accounting officers of the Navy Department authorized and directed to audit and settle the claim of R. S. R. and D. D., for the schooner "Salina," by ascertaining, or causing to be ascertained, the value thereof, in such manner and upon such terms as may be equitable and just. The amount, when so ascertained, to be paid to the said R. S. R. and D. D.

JOHN G. REYNOLDS.

- 1834, June 30. John G. Reynolds, a lieutenant of the marine corps of the U. S. allowed and paid, out of the funds appropriated for the naval service, for services performed by him for the quartermaster's department of the said corps, at the rate of fifteen dollars a month, from August 1st, 1828, to April 30th, 1831.

The Secretary of the Navy authorized to cause to be paid to the said Reynolds the usual allowances made by the department in case of extra duty, as provost marshal of general court martial, and for such time as he, the said Reynolds, shall be able to prove such service to have been actually performed.

SAMUEL W. RUFF.

- 1836, June 14. The proper accounting officers of the Treasury authorized to audit and settle the account of Samuel W. Ruff, a surgeon in the navy of the U. S., and to allow him the pay and emoluments of a surgeon, in lieu of the pay and emoluments of an assistant surgeon, from the 4th April, 1831, up to the time of his appointment as surgeon in the year 1834; and the amount due to the said Samuel W. Ruff, upon such settlement and allowance, to be paid.

HENRY RICHARDSON.

- 1836, July 2. The Secretary of the Navy authorized to pay to the legal representatives of Henry Richardson, deceased, out of the navy pension fund, the sum \$233 80, it being the amount due to the said representatives of Henry Richardson, deceased, a marine

on board the U. S. sloop of war *Wasp*, under the act of Congress of the 6th April, 1816, and passed to the navy pension fund in consequence of not being claimed.

JOHN RUDD.

The sum of \$40, heretofore appropriated, and carried to the surplus fund, to be paid to Lieutenant John Rudd, for his proportion of prize money in virtue of the act entitled "An act for the relief of Thomas Holdup Stevens, and others," approved 14th July, 1832. 1836, July 2.

EDWIN T. SATTERWHITE.

The accountant of the Navy Department authorized and required to assume the day of the departure of the U. S. brig *Vixen* from a port in the U. S. on her last cruise, as the day on which the account of said E. T. Satterwhite, the purser of said brig, shall be settled and balanced. And the accountant authorized to pay to the said E. T. S., such sum as may be due for pay and commissions, previous to the said day of the sailing of the brig *Vixen* from a port in the U. S., if in his judgment any such sum may be due. [See act of Aug. 2, 1813, page 176, "for the relief of the officers and crew of the late U. S. brig *Vixen*."] 1813, July 22.

The Secretary of the Navy authorized and required to adjust and settle the accounts of E. T. Satterwhite, late a purser of the U. S. sloop of war *Hornet*, upon principles of equity and justice, and to make him such allowances as, under the circumstances of his case, shall appear reasonable. 1814, Mar. 31.

THOMAS SHIELDS.

The Secretary of the Treasury authorized to cause to be paid to Thomas Shields, or his legal representative, the sum of \$1,693 10, in consideration of his loss of property to that amount, occasioned by burning the public store-house at the bay of St. Louis, by order of Lieutenant Jones, commanding the naval force of the U. S., stationed at that point, during the invasion of Louisiana by the enemy, in the winter of 1814 and '15. 1822, May 7.

ROBERT F. STOCKTON.

The proper accounting officers of the Treasury Department authorized and directed to audit and allow the accounts of Lieutenant Robert F. Stockton, late commander of the U. S. schooner *Alligator*, for money paid and expenses incurred, or which may hereafter be incurred, by him, in any suit or suits instituted in the courts of the U. S., in the case of the schooner *Jeune Eugenia*, captured off the coast of Africa, by the said schooner *Alligator*, for an alleged violation of the laws prohibiting the slave trade; and in the case of the ship *Marianna Flora*, likewise captured on the high seas, for an alleged pirati-

cal aggression on the said schooner Alligator, while under the command of the said Stockton ; and which vessels, respectively, were sent into the U. S. for adjudication.

SEC. 2. The amount of said expenses, when ascertained by the Secretary of the Treasury, to be paid to the said Robert F. Stockton.

JOHN S. STILES.

1825, Mar. 3. The Secretary of the Navy authorized and directed to institute a re-examination of the case of the ship Fabius, the brig Aid, and the schooner Ann, formerly owned by George Stiles, now deceased ; which vessels, during the late war, were sunk for the defence of the harbor of Baltimore. And further authorized to allow to the legal representative of said George Stiles, such sum as, with what has already been allowed, he, the said Secretary, shall deem a just and reasonable compensation for the detention of said vessels, from the 17th day of February, 1815, to the time when they were delivered to the owner, and from thence to the termination of the period necessary to repair the injury done to them by sinking ; according to the intent and meaning of the act of Congress, passed on the 26th April, 1822, entitled " An act for the relief of sundry citizens of Baltimore ;" the said sum to be ascertained in such manner as the Secretary of the Navy shall direct, which sum, so allowed, shall be paid.

[See acts of April 26, 1822 ; May 7, 1822 ; May 29, 1830 ; and March 2, 1833 ; for the relief of sundry citizens of Baltimore."]

JAMES SCRIVENER.

1832, July 14. The proper accounting officers of the Treasury authorized and directed to pay to James Scrivener, late a seaman in the U. S. navy, or his legal representatives, the sum of \$37 50, in full of transportation money due him during the late war.

JOHN D. SLOAT.

1833, Feb. 19. The proper accounting officer of the Treasury Department authorized and directed to settle the account of John D. Sloat, a master commandant of the navy, by allowing him a credit for the sum of \$478 79 ; being the amount of certain discounts on treasury notes, which has heretofore been suspended in consequence of the vouchers, once furnished by the said John D. Sloat, being now mislaid or lost.

1833, Feb. 20. The sum of \$1,360 appropriated, to be paid to Master Commandant John D. Sloat, of the U. S. navy, being the amount of his account exhibited to the Navy Department for expenses incurred in entertaining on board the St. Louis, under his command, General Bolivar and several of his officers, at Guayaquil, in the year 1829 ; and General La Fuente, President of Peru

and Major General Miller, of the Peruvian army, in the year 1830.

GEORGE W. STORER.

The sum of \$500 appropriated to indemnify Captain G. W. Storer, of the U. S. navy, for the expenses of accommodating Commodore David Porter, Chargé d'Affaires of the U. S. at Constantinople, on board the U. S. ship Boston; and for the expenses of conveying George Porter, Consul of the U. S. at Tangiers, from Port Mahon to Tangiers; and of conveying Lieutenant Ebenezer Ridgway, Consul of the U. S. at Tripoli, and his family, from Port Mahon to Tripoli. 1833, Mar. 2.

E. R. SHUBRICK.

The sum of \$1,300 appropriated, to be paid to E. R. Shubrick, a master commandant in the navy of the U. S., being a reimbursement of extra and unavoidable expenses incurred by him while commanding the sloop of war Vincennes. 1835, Mar. 3.

RICHARD SMITH.

The proper accounting officers of the Treasury authorized and directed to pass to the credit of Henry B. Tyler, executor of the last will and testament of Lieutenant Colonel Richard Smith, deceased, the sum of \$2,558 64, being the balance remaining unpaid to said Smith, of the moneys accruing to him, under the provisions of an act of Congress approved on the 14th day of July, 1832, entitled "An act concerning officers of the marine corps." 1836, April 9.

RICHARD TAYLOR.

A yearly pension of \$300, from and after the 3d Sept., 1816, allowed to Commodore Richard Taylor, in consequence of a total disability arising from a wound received from a conflict with the enemy in the Revolutionary war, while in the command of a flotilla in the waters of the Chesapeake, under a commission of captain in the navy from the State of Virginia; to be paid half yearly, out of the treasury. 1817, Mar. 1.

THOMAS TURNER.

The commissioners of the navy pension fund authorized and required to pay, out of the said fund, to the executors of Thomas Turner, deceased, for the benefit of the heirs and legatees of the said Thomas Turner, deceased, the sum of \$1,500; in consideration of services rendered by the said Thomas Turner, deceased, as accountant of the Navy Department, in receiving and settling all accounts respecting the said fund, and for which no compensation has heretofore been made. 1819, Feb. 24.

JOHN B. TIMBERLAKE.

- 1819, Mar. 2. The proper accounting officers of the Treasury authorized and required, in the settlement of the accounts of John B. Timberlake, a purser in the navy, to allow him a credit of \$3,084 33; this sum having been drawn by the late Lieutenant John Trippe, while in the command of the U. S. schooner Enterprise, over and above his pay and emoluments, from the said John B. Timberlake, the purser of the said vessel.

SAMUEL TUCKER.

- 1821, Mar. 2. The Secretary of the Navy directed to place upon the navy list of invalid pensioners of the U. S., Samuel Tucker, late a captain in the navy of the U. S., who is unable, by reason of age, to support himself by labor; and who, having, by his bravery and long and faithful services, merited the gratitude of his country, shall be entitled to receive a pension of \$20 a month, to commence from the 1st January, 1818, agreeably to the provisions contained in the act, entitled "An act for the better government of the navy of the U. S."

DANIEL TURNER.

- 1833, Mar. 2. The sum of \$1,182 78 appropriated, to indemnify Captain Daniel Turner, of the U. S. navy, for the expense of conveying the Netherlands' minister, and his suite, from New York to Curaçoa, by order of the Secretary of the Navy, in the year 1828.

JAMES TUCKER and JOHN JUDGE.

- 1836, July 1. The sum of \$1,500 to be paid to James Tucker and John Judge, in full consideration for the use of their patent in the construction of anchors for the navy of the U. S., and in full of all claims of the said James Tucker and John Judge against the U. S. for the use of said patent from the time of granting the same until its final termination.

DAVID VALENZIN.

- 1804, Mar. 26. A sum, not exceeding \$2,665 70 appropriated, for the purpose of enabling the Secretary of the Navy to restore to the legal representatives of David Valenzin, deceased, the value of the property captured from him in the Mediterranean by the American squadron, in the year 1803. The value of the said property to be first duly ascertained by the proper accounting officers; and the person or persons applying therefor to exhibit due proof of his or their being the true legal representative or representatives of the said D. V.

SEC. 2. The Secretary of the Navy authorized and directed to cause to be liquidated and paid, the claims of those individuals who contributed to the maintenance and support of the said D. V. during his imprisonment, and who have defrayed

the expenses of his interment; and the sum of \$500 appropriated for the purpose.

PHILIP F. VOORHEES.

The Secretary of the Treasury to pay to Philip F. Voorhees, 1837, Mar. 3. the sum of \$600, in full for expenses incurred by him while commanding the ship John Adams, in the Mediterranean, during the years 1831 and 1832, in conveying our consuls to and from their consulates, and the Tripolitan ambassador from Malta to Tripoli, by orders from Commodores Biddle and Patter-son.

ABRAHAM WHIPPLE.

The Secretary of the Navy directed to place upon the navy 1811, Dec. 12. list of invalid pensioners of the U. S., Abraham Whipple, late a captain in the navy of the U. S., who has been so disabled in the line of his duty, while in service, that he is unable to support himself by labor; and who shall be entitled to receive one half the monthly pay of a captain in the navy, to commence from the 1st January, 1810, agreeably to the provisions contained in "An act for the better government of the navy of the U. S."

JESSE WILKINSON.

The Secretary of the Navy to pay, content, and satisfy, to 1823, May 26. the persons who may be legally entitled to receive the same, or who may have legally satisfied and paid the same, the damages and taxed costs decreed to be paid by Jesse Wilkinson, a master commandant in the navy of the U. S., to Don Pablo Daunes, by the District Court of the U. S., for the District of Virginia, in the cause of the "U. S. of America, as well in behalf of themselves as of the officers and crew of the U. S. brig of war Spark, Jesse Wilkinson, Esq. commander, against the schooner Ninfa Catalana, her tackle, apparel, armament, and furniture." And the sum of \$13,239 48 appropriated for the purpose aforesaid.

CHARLES WILKES, JUNIOR.

The proper accounting officer of the Treasury to allow to 1830, May 5. Charles Wilkes, Junior, a lieutenant in the naval service of the U. S., and to any other person or persons with whom he may have contracted for the same, all such sums of money as he shall have paid, or, in the case of such other person or persons, he shall have contracted to pay them, for such astronomical and mathematical instruments, as by the letter of the Secretary of the Navy to him, dated 18th November, 1828, he was directed to procure for the exploring expedition to the Pacific ocean and South seas, on said accounting officer being furnished with satisfactory evidence that the respective articles are of the value

and quality specified in the contract therefor, and have been delivered to such person or persons as the Secretary of the Navy shall have directed. The amount to be allowed and paid for the said instruments, exclusive of the sums already paid by the Navy Department and Navy Agent at New York, not to exceed the sum of \$3,300.

JOHN A. WEBSTER.

1834, June 30. The Secretary of the Navy authorized and required to place the name of John A. Webster, late a sailingmaster in the navy of the U. S., on the navy pension list, at the rate of \$20 per month, payable from the 1st January, 1833.

MELANCTHON TAYLOR WOOLSEY.

1836, May 14. One-third part, and no more, to be retained from the pay of Melancthon Taylor Woolsey, a captain in the navy of the U. S., from the time of the passage of the act of March 3d, 1835, regulating the pay of the navy, until the amount of arrears due from said Woolsey to the U. S. shall be discharged; any act or part of an act to the contrary notwithstanding.

1838, April 20. The accounting officers of the Navy Department to settle the accounts of Melancthon T. Woolsey, on the principle of justice and equity, subject to the supervision of the Secretary of the Navy.

JAMES WILTBANK.

1836, June 23. The proper accounting officers of the Treasury authorized and directed to audit and settle the account of the Rev. James Wiltbank, for services performed as acting chaplain of the navy, at the naval asylum and the navy yard at Philadelphia, and to allow him for the time he shall appear to have performed such services, the pay and emoluments of a chaplain in the navy of the U. S.; and the amount found due to the said Wiltbank, to be paid.

DUDLEY WALKER.

1839, Mar. 3. The sum of \$158 52 to be paid to Dudley Walker, a purser in the navy, for advances made by him under authority of his commanding officer, to seamen who afterwards deserted from the U. S. schooner [ship] Saint Louis.

JOHN J. YARNALL.

1817, Mar. 1. The Secretary of the Navy required to adjust and settle the accounts of John J. Yarnall, deceased, late a lieutenant in the navy of the U. S., upon principles of equity and justice, and to make such allowances therein as, under the circumstances of the case, shall appear reasonable.

WILLIAM P. ZANTZINGER.

The Secretary of the Treasury to credit, on the account of 1833, Feb. 19. William P. Zantzinger, as purser of the U. S. ship *Hornet*, as of the date of said account, so as to stop accruing interest, the sum of \$3,306 41, the amount of loss sustained by him on the sale of \$35,800 of treasury notes to pay the officers and crew of said ship.

The proper accounting officers of the Treasury Department 1835, Jan. 27. authorized and required to allow to said Zantzinger, on settlement of his account an additional credit of \$2,570 76, being the difference between the cost of certain purser's stores left on the hands of said Zantzinger on the 4th October, 1829, when he was suspended from duty on board the U. S. ship *Natchez*, and the net amount of sales of the same stores at Norfolk, after the arrival of said ship at that port.

ERRATA.

Page 55—at top: insert the figures “1800.”

64—at top: for “800,” read 1800.

79, 80, 81—Secs. 1, 2, 3, 4, 5, and 6, should have been noted as repealed by subsequent acts.

87—last side note: for “establishments,” read *enlistments*.

106—first line: for “quarterly-yearly,” read *quarter-yearly*.

114—the side notes are lower than they should be.

119—under the title of the “act regulating the payments to invalid pensioners,” insert [Repealed, July 14, 1832.] See page 153.

155—under title of act, insert [Obsolete.]

ABSTRACT of Appropriations and Expenditures for the

Years.	Personnel.				Ma-
	Pay and subsistence.	Pay of superintendents, &c.	Provisions.	Medicines and hospital stores.	
1791	-	-	-	-	-
1792	-	-	-	-	-
1793	-	-	-	-	-
1794	-	-	-	-	\$688,888 82
1795	-	-	-	-	-
1796	\$5,000	-	-	-	-
1797	105,000	-	-	-	372,000
1798	216,679	-	-	-	1,665,833
1799	947,837 19	-	\$431,726 30	\$42,750	1,494,496 10
1800	1,280,658 40	-	603,642 67	32,647 20	-
1801	1,269,250 60	-	597,101 37	31,647 20	259,004
1802	81,719	-	20,000	-	190,575
1803	283,993	\$20,000	157,360 20	7,700	210,425
1804	234,328	20,000	125,518 72	4,875	-
1805	553,828	20,000	227,786 40	10,750	142,120
1806	291,119	20,000	157,254 34	7,500	-
1807	370,802 29	20,000	152,318 18	5,000	-
1808	368,048	20,000	162,765 10	5,000	-
1809	1,323,077	20,000	567,765	35,000	-
1810	718,115	20,000	353,610 84	16,000	-
1811	774,390	20,000	385,330	30,000	-
1812	1,488,341	20,000	559,757	40,000	300,000
1813	1,668,000	20,000	775,000	100,000	3,400,000
1814	2,579,341	30,000	1,439,902 52	120,000	1,225,000
1815	1,358,364 50	30,000	673,972 50	40,000	-
1816	1,142,015	30,000	356,870	25,000	-
1817	1,092,732	30,000	496,765	10,000	-
1818	1,135,595	30,000	511,000	25,000	-
1819	1,259,472 95	30,000	446,915	44,850	-
1820	989,320	35,000	415,187	36,000	60,000
1821	983,325 25	25,000	337,831	32,000	10,000
1822	961,466	36,450	287,258	32,000	100,000
1823	929,503 12	44,650	220,000	20,000	-
1824	1,029,935 51	48,500	300,000	25,000	-
1825	1,014,419 10	48,500	355,875	35,000	500,000
1826	1,117,105 75	52,240	421,739 75	49,000	350,000
1827	1,285,316 50	58,031 50	579,148 54	50,000	-
1828	1,396,504	59,102	505,000	28,200	201,350
1829	1,558,705 61	59,944 07	450,550	29,206 50	-
1830	1,499,827	57,680	479,528	31,500	-
1831	1,278,694	57,680	173,463	25,500	87,360
1832	1,409,927	58,530	429,175	25,000	258,484
1833	1,445,000	57,330	460,000	35,000	-
1834	1,487,244 21	61,180	450,000	40,000	341,000
1835	1,797,557 16	61,180	450,000	40,000	-
1836	2,318,017 16	68,340	782,263 75	41,100	150,000
1837	2,454,686	69,470	762,865	39,000	780,000
1838	1,312,000	69,770	600,000	75,000	-
1839	2,352,625 64	44,000	600,000	75,000	-
1840	2,250,000	74,620	620,000	75,000	-
	51,598,884 74	1,547,197 57	18,882,245 18	1,472,225 70	12,846,535 92

Included in appropriations for navy yards—estimated proportion.

Naval Service, from 1791 to 1840, both years inclusive.

teriel.					Shore establishments.	
Gallies, gunboats, and barges.	Repairs of ves- sels.	Purchase of timber and reservation of lands.	Gradual in- crease & im- provement.	Ordnance and ordnance stores.	Navy yards.	Hospitals, magazines, and docks.
-	-	-	-	-	-	-
-	-	-	-	-	-	-
\$80,000	-	-	-	-	-	-
-	-	-	-	-	-	-
80,000	-	-	-	-	-	-
-	-	\$20,000	-	-	-	\$50,000
-	-	-	-	-	-	-
-	-	-	-	-	\$240,906	-
-	\$68,439 81	-	-	-	11,535 28	-
50,000	140,000	-	-	\$15,000	28,741 37	-
-	120,000	-	-	5,000	32,000	-
60,000	375,000	-	-	-	40,000	-
270,000	300,000	-	-	50,000	40,000	-
852,500	333,093 28	87,500	-	360,554 60	40,000	-
-	195,000	-	-	50,000	40,000	-
-	445,000	-	-	150,000	40,000	-
-	150,000	-	-	75,000	55,000	-
-	250,000	-	-	60,000	55,000	-
-	1,215,000	200,000	-	460,000	40,000	-
250,000	640,000	200,000	-	100,000	70,000	100,000
-	1,500,000	200,000	-	300,000	70,000	-
-	500,000	*128,774 15	-	300,000	130,000	-
-	300,000	-	\$1,000,000	210,000	420,000	-
-	325,000	-	1,000,000	120,000	120,000	-
-	300,000	-	1,000,000	-	70,000	-
-	476,200	7,500	1,000,000	-	120,000	-
-	484,000	-	1,000,000	50,000	65,000	-
-	375,000	-	500,000	25,000	-	-
-	408,000	-	500,000	25,000	14,450	-
-	350,000	-	500,000	20,000	162,000	-
-	350,000	-	500,000	1,000	236,000	-
-	450,000	-	500,000	35,000	265,000	-
-	440,000	-	500,000	-	170,000	-
-	450,000	-	500,000	35,000	231,700 72	-
-	510,000	-	500,000	50,000	105,000	-
-	557,840 88	-	500,000	50,000	205,000	-
-	770,380	-	500,000	30,000	180,500	-
-	615,400	-	500,000	-	272,250	-
-	662,477	-	500,000	10,000	413,595	147,500
-	506,750	-	500,000	10,000	328,863	-
-	590,000	-	500,000	10,000	362,010	88,000
-	983,500	-	500,000	15,000	344,115	132,700
-	1,065,000	-	500,000	64,900	807,625	64,610
-	1,250,000	-	500,000	72,000	540,400	152,089
-	1,200,000	-	500,000	65,000	360,500	114,150
-	1,000,000	-	-	65,000	186,500	35,260
-	1,000,000	-	-	65,000	110,250	24,250
1,642,500	21,651,080 97	1,023,774 15	14,000,000	2,953,454 60	7,023,942 12	908,559

Years.	Contingent ex- penses.	Total of appropria- tions for navy pro- per.	Total of expendi- tures for navy pro- per.	Miscellaneous ob- jects.
1791	-	-	-	-
1792	-	-	-	(a) \$2,000
1793	-	-	-	(a) 3,000
1794	-	\$768,888 82	-	-
1795	-	-	-	-
1796	-	5,000	-	-
1797	-	477,000	-	(a) 10,000
1798	\$62,200	2,024,712	-	-
1799	283,600	3,450,409 59	-	(b) 135,591 92
1800	393,600	2,310,548 27	-	(a) 10,000
1801	382,450	2,780,359 17	-	(c) 75,000
1802	-	372,269 09	-	-
1803	42,875 68	956,095 25	-	-
1804	24,000	565,721 72	-	(d) 1,305,128 45
1805	46,951 02	1,476,435 42	-	22,000
1806	111,950	1,247,823 34	-	-
1807	75,000	2,296,268 35	-	-
1808	75,000	915,813 10	-	-
1809	150,000	2,730,842	-	-
1810	75,000	1,462,725 84	-	(e) 5,000
1811	100,000	1,674,720	-	-
1812	115,000	4,438,098	-	-
1813	250,000	7,573,000	-	(f) 1,162,000
1814	622,700	8,086,943 52	-	(g) 760,000
1815	550,000	3,891,111 15	-	(h) 425,664 25
1816	300,000	3,783,885	-	(i) 259,882 77
1817	350,000	3,544,497	-	(k) 33,439 49
1818	300,000	3,371,595	-	(k) 15,000
1819	311,000	3,695,937 75	-	(k) 29,803 60
1820	240,000	3,374,507	-	-
1821	200,000	2,488,156 25	-	150
1822	250,000	2,674,624	\$1,405,919 79	-
1823	250,000	2,496,153 12	2,393,372 70	(l) 100,000
1824	200,000	2,690,435 51	3,019,734 23	30,305 07
1825	205,000	3,408,794 10	3,084,318 55	12,917
1826	245,000	3,345,085 50	4,315,046 88	44,812 50
1827	225,000	3,414,197 26	4,255,981 60	59,417 23
1828	245,000	3,600,156	4,031,118 48	58,360 68
1829	290,391 69	3,701,638 75	3,639,612 98	19,750
1830	260,000	3,809,415	3,215,784 95	19,341 48
1831	335,000	3,345,347	4,017,243 71	35,296 83
1832	255,000	4,169,688	3,846,541 49	19,636 76
1833	300,000	3,642,943	3,854,640 94	18,816 73
1834	299,000	4,228,434 96	3,875,731 75	65,438 40
1835	298,000	4,622,052 16	3,768,436 53	38,172 50
1836	324,600	6,186,455 91	5,572,614 99	(m) 164,355 86
1837	532,600	7,153,110	6,800,797 62	11,454 65
1838	453,000	4,749,420	6,126,368 69	13,199 96
1839	453,000	4,811,385 64	5,549,691 56	3,288 41
1840	453,000	4,672,120	-	-
	10,934,918 39	146,485,318 54	72,772,957 44	4,985,172 91

(For notes, see page 222.)

Continued.

Marine corps.		Aggregate for navy marine corps and miscellaneous.		Balances unexpended on the 1st January.
Appropriations.	Expenditures.	Appropriations.	Expenditures.	
-	-	\$33,327 50	\$570	
-	-	2,000	53 02	
-	-	768,888 82	61,408 97	
-	-	-	410,562 03	\$707,479 85
-	-	5,000	274,784 04	296,917 82
-	-	487,000	382,631 89	27,133 78
-	-	2,024,712	1,381,347 76	131,501 89
\$237,788 38	-	3,823,789 89	2,858,081 84	774,866 13
162,405 22	-	2,482,953 49	3,448,716 03	1,740,574 18
186,903 78	-	3,042,352 95	2,111,424	774,811 64
-	-	242,294	915,561 87	1,805,740 59
91,778 75	-	1,144,797 46	1,215,230 53	791,897 72
84,278 28	-	1,667,498 45	1,189,832 75	50,184 94
113,934 58	-	1,550,000	1,597,000	527,850 64
94,318 10	-	1,692,141 44	1,649,641 44	480,165 70
132,796 12	-	2,429,564 47	1,722,064 47	45,000
215,754 70	-	1,131,567 80	1,884,067 80	752,500
186,060 50	-	2,916,902 50	2,427,758 80	
196,914 85	-	1,664,640 69	1,654,244 20	489,143 70
195,554 05	-	1,870,274 05	1,965,566 39	499,540 19
228,905 90	-	4,304,669 60	3,959,365 15	404,247 85
410,788 55	-	9,510,788 55	6,446,600 10	747,052 30
552,967 35	-	8,174,910 87	7,311,290 60	3,811,240 75
270,685	-	5,258,686 25	8,660,000 25	4,271,111 02
191,026	-	4,234,793 77	3,908,278 30	759,310 27
236,662	-	3,814,598 49	3,314,598 49	910,833 49
122,100	-	3,508,695	2,953,695	1,320,333 47
144,615 60	-	3,427,306 95	3,847,640 42	1,875,333 47
225,433	-	4,042,990	4,387,990	1,455,000
220,936 81	-	2,709,243 06	3,319,243 06	1,110,000
200,088 22	\$93,551 54	2,874,712 22	2,224,458 98	500,000
226,331 50	213,812 33	2,822,484 62	2,503,765 83	1,150,253 24
233,228 71	262,328 72	2,953,969 29	2,904,581 56	1,491,392 20
245,995 21	214,463 61	3,667,706 31	3,049,083 86	1,540,779 93
236,292 81	291,991 92	3,748,985 23	4,218,902 45	1,999,567 39
212,134	209,936 89	3,709,629 20	4,263,877 45	1,470,590 12
182,706	208,041 20	3,838,748 52	3,918,786 44	905,120 90
205,819 60	161,839 51	3,723,475 40	3,988,642 47	783,811 75
217,733 14	226,824 10	4,316,000 47	3,239,428 63	1,171,630 12
195,999 16	229,217 62	3,496,643 29	3,856,183 07	2,190,236 60
196,248 77	210,703 30	4,465,573 53	4,947,718	1,801,029 58
206,112 28	222,538 68	3,867,872 01	4,274,184 26	2,293,315 78
284,500 01	233,031 59	4,578,373 37	4,613,656 45	2,240,353 50
287,309 58	261,149 66	4,998,234 13	4,209,835 94	2,797,962 79
438,856 19	315,159 74	6,789,167 96	6,252,145 24	3,918,562 78
294,079 38	332,670 81	7,470,057 60	7,891,364 32	4,830,410 09
311,474 93	382,228 71	5,076,336 26	6,259,867 22	5,554,739 13
325,756 91	337,450 99	5,890,430 96	6,787,562 37	2,828,078 94
318,462 01	-	-	-	2,322,885 31
9,321,735 93	4,406,940 92	156,254,788 32	155,243,793 74	

NOTES REFERRED TO IN THE FOREGOING STATEMENT.

* By act of March 3, 1815, the sum of \$200,000 annually, for three years, was appropriated for the purchase of timber; and the unexpended balance thereof was subsequently included in the appropriation for the gradual increase of the navy. The amount here stated is the portion of the \$600,000 that was expended.

MISCELLANEOUS APPROPRIATIONS.

- (a) For support of revenue cutters, then under the control of the Navy Department.
 (b) \$117,591 92 for revenue cutters; \$18,000 for maintenance of French prisoners.
 (c) Maintenance of French prisoners.
 (d) \$1,000,000 "to protect the commerce and seamen of the United States against the Barbary powers."
 (e) For experiments with the torpedo.
 (f) \$1,000,000 "towards defraying the expenses of the navy during the year 1813," without specifying the heads applicable thereto; \$162,000 for prize-money.
 (g) \$500,000 for floating batteries; \$260,000 for purchase of vessels captured on Lake Erie.
 (h) \$200,000 as prize-money for various captures.
 (i) \$230,000 as prize-money.
 (k) \$37,500 for purchase of medals and swords voted by Congress.
 (l) \$50,000 for inclined plane, and \$50,000 for suppression of the slave trade.
 (m) \$150,000 for exploring expedition.

REMARKS RELATIVE TO THE FOREGOING STATEMENT.

In 1802, '3, '4, '5, and '6, the appropriations were made in one gross sum, and are here divided among the several heads, in the proportions which, it is supposed, were required under each.

In 1806, the sum of \$600,000 was appropriated in gross, for arrearages of the naval service in 1804 and '5, and are here included in the appropriations for those years. The heads under which the proportions for 1804 were required, could not be ascertained; but for 1805, they have been divided according to a report from the Navy Department, dated December 5, 1805. (See State Papers, volume for Naval Affairs, page 140.)

Wherever appropriations have been made in one year for arrearages accruing in a former year, the sums have been added to the appropriations for the years during which the arrearages accrued.

The following are the amounts appropriated in one year, as arrearages accruing in former years:

1803,	-	-	\$179,975 09,	carried to 1802
1806,	-	-	600,000 00,	" 1804 and '5
1813,	-	-	365,000 00,	" 1812
1820,	-	-	443,050 00,	" 1819
1830,	-	-	269,510 85,	" 1829
1832,	-	-	80,000 00,	" 1831

The column of "Aggregate for navy, marine corps, and miscellaneous," is taken from the annually published "Account of receipts and expenditures of the United States," and includes balances of old appropriations that have been carried to the "Surplus fund," after remaining unexpended two years, and which must be re-appropriated to be rendered available. These same balances having been once before appropriated, and included in the aggregate of former years, to include them again in the aggregate would render the apparent appropriations greater, by so much, than they really are. Wherever these items have occurred, they have been omitted in the columns under the appropriate heads.

Amount of unexpended balances, carried to the surplus fund, and re-appropriated :

1806,	-	-	\$2,665 70, and again in 1812.
1826,	-	-	122,794 42
1827,	-	-	23,880 71
1828,	-	-	10,765 22
1829,	-	-	65,777 90
1835,	-	-	50,699 89

These two causes will account for any discrepancies that may be discovered between the "Total of appropriations for navy proper" and the "Aggregate of appropriations for navy, marine corps, and miscellaneous."

Prior to July 1, 1822, the expenditures for the naval service were reported in gross, and not under each specific head; hence, those for the navy alone, as contradistinguished from the marine corps and miscellaneous, could not be distinguished. This same remark will apply to the expenditures for the marine corps.

Prior to 1822, the naval constructors, superintendents, &c. (embracing the civil establishment of the several yards) were paid out of the appropriations for "improvement of navy yards." The sums estimated as necessary for this object, have been deducted from the latter appropriation, and placed in the column allotted to the former.



TITLES OF ACTS.

<i>Approved.</i>	<i>Page.</i>
1841, Aug. 1, Making appropriation for the pay, subsistence, &c. of a home squadron	1
“ Aug. 16, To provide for the payment of navy pensions - - - - -	1
“ Sept. 11, Making an appropriation for the purchase of naval ordnance and ordnance stores, and for other purposes - - - - -	2
1842, April 14, Authorizing the construction of a war steamer for harbor defence - - - - -	2
“ June 22, For the relief of Francis G. McCauley - - - - -	2
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APPENDIX:

CONTAINING

THE LAWS RELATING TO THE NAVY, &c.,

PASSED BY THE TWENTY-SEVENTH CONGRESS.

AN ACT making appropriation for the pay, subsistence, &c., of a Home
squadron.

1841.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the pay and subsistence, increase and repairs, medicines and contingent expenses, of two frigates, two sloops, two small vessels, and two armed steamers, to be employed as a Home squadron, the sum of seven hundred and eighty-nine thousand three hundred and ten dollars is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

\$789,310 appropriated.

APPROVED, August 1, 1841.

AN ACT to provide for the payment of Navy pensions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the sum of one hundred and thirty-nine thousand six hundred and sixty-six dollars and six cents is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the payment of pensions and half-pay chargeable on the navy pension fund: *Provided,* That all widows or children of all naval officers, seamen, or marines, now deceased, and entitled to receive or make proof of their pensions under the act of the third of March, eighteen hundred and thirty-seven, shall receive the same until the close of the next session of Congress; but no widows or children of any naval officer, seaman, or marine, who may hereafter die, shall be entitled to any pension by virtue only of any provision in the said act.

\$139,666 06 appropriated.

Proviso; pensions under act 3d March, 1837, limited to close of next session of Congress.

No widow or children of any naval officer, seaman, or marine, who may hereafter die, entitled.

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 ma-

No officer, seaman, or marine, shall receive pay at the same time, both as a pensioner and an officer in service.

1842.

rine 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.

APPROVED, August 16, 1841.

AN ACT making an appropriation for the purchase of naval ordnance and ordnance stores, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

\$600,000 appropriated to purchase ordnance and ordnance stores.

That the sum of six hundred thousand dollars be paid, out of any moneys in the Treasury not otherwise appropriated, for the purpose of purchasing ordnance and ordnance stores for the use of the navy of the United States.

Secretary Navy authorized to apply \$50,000 thereof in making certain experiments.

SEC. 2. *And be it further enacted,* That the Secretary of the Navy is hereby authorized to apply a part of the sum herein and hereby appropriated, not exceeding fifty thousand dollars, to the purpose of making experiments to test the value of improvements in ordnance, in the construction of steamers, and other vessels of war, and in other matters connected with the naval service and the national defence; and also to the purpose of defraying any charges left unpaid on account of experiments of the like character heretofore made by authority of law.

APPROVED, September 11, 1841.

AN ACT authorizing the construction of a war steamer for harbor defence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Secretary of the Navy authorized to contract with R. L. Stevens for a war steamer.

That the Secretary of the Navy be, and he is hereby, authorized to enter into contract with Robert L. Stevens for the construction of a war steamer, shot and shell proof, to be built principally of iron, upon the plan of the said Stevens: *Provided,* the whole cost, including the hull, armament, engines, boilers, and equipment, in all respects complete for service, shall not exceed the average cost of the steamers Missouri and Mississippi.

Proviso; not to exceed the average cost of the Missouri and Mississippi.

SEC. 2. *And be it further enacted,* That the sum of two hundred and fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, towards carrying this law into effect.

APPROVED, April 14, 1842.

AN ACT for the relief of Francis G. McCauley

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

To be paid the amount found due him on the settlement of his accounts.

That the Secretary of the Treasury pay to Francis G. McCauley, a purser in the navy of the United States, the sum of seven hundred and forty-two dollars and nine cents, out of any money in the Treasury not otherwise appropriated; that being

the amount found to be his due on settlement of his accounts with the Treasury Department, in July, A. D. one thousand eight hundred and thirty-two. 1842.

APPROVED, June 22, 1842.

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

[EXTRACTS.]

Provided, That, till otherwise ordered by Congress, the officers of the navy shall not be increased beyond the number in the respective grades that were in the service on the first day of January, eighteen hundred and forty-two, nor shall there be any further appointment of midshipmen until the number in the service be reduced to the number that were in service on the first day of January, eighteen hundred and forty-one, beyond which they shall not be increased until the further order of Congress.

Proviso relative to the increase of officers.

Provided, That no part of this, or any former appropriation to that object, shall be applied to the construction of a dry dock at Brooklyn, except in payment for materials previously contracted for and yet to be delivered, until a suitable place shall be selected in the harbor of New York, and the title to the land obtained, and a plan and estimate of the cost made, under the direction of the Secretary of the Navy, and approved by him and the President: *And provided, also*, That the Secretary of the Navy may, in his discretion, apply the sum of one hundred thousand dollars of the amount hereby appropriated, and any balance of former appropriations for the construction of a dry dock at Brooklyn, New York, to the construction of a floating dock at the same place; and if any part of this appropriation shall be expended upon the construction of a floating dock, as hereby authorized, the construction of the dry dock shall be suspended until the further order of Congress.

Provisoes relative to the construction of a dry or floating dock.

APPROVED, August 4, 1842.

AN ACT making an appropriation to supply a deficiency in the navy pension fund.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of eighty-four thousand nine hundred and fifty-one dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply any deficiency which may exist in the navy pension fund, for the payment of the semi-annual navy pensions which will be due on the first day of July, eighteen hundred and forty-two.

§84,951, appropriated to supply the deficiency in the navy pension fund.

SEC. 2. *And be it further enacted*, That the act entitled "An act to provide for the more equitable administration of the navy pension fund," approved March third, eighteen hundred and thirty-seven, be, and the same is hereby, repealed, from

Act of March 3, 1837, repealed.

1842.

Pensions to be regulated according to the pay of the navy on the 1st of January, 1835.

Act of April 6, 1838, partially repealed, and the time for unclaimed money to remain in the hands of agents, extended to 14 months.

and after the first day of July, eighteen hundred and forty-two; and all pensions to officers and seamen in the naval service shall be regulated according to the pay of the navy as it existed on the first day of January, one thousand eight hundred and thirty-five.

SEC. 3. *And be it further enacted*, That so much of an act entitled "An act directing the transfer of money remaining unclaimed by certain pensioners, and authorizing the payment of the same at the Treasury of the United States," approved April sixth, eighteen hundred and thirty eight, as requires pensions that may have remained unclaimed in the hands of pension agents for eight months to be returned to the Treasury, be, and the same is hereby, repealed, and that the time within which such pensions shall be returned to the Treasury, be, and the same is hereby, extended to fourteen months, subject to all the other restrictions and provisions contained in the said act.

APPROVED, August 23, 1842.

AN ACT to provide for publishing an account of the discoveries made by the Exploring Expedition, under the command of Lieutenant Wilkes, of the United States navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Account to be published under the direction of the Joint Library committee.

That there shall be published, under the supervision and direction of the Joint Committee on the Library, "an account of the discoveries made by the exploring expedition, under the command of Lieutenant Wilkes, of the United States navy;" which account shall be prepared with illustrations, and published in a form similar to the voyage of the Astrolabe, lately published by the Government of France.

Proposals for 100 copies to be advertised for.

SEC. 2. *And be it further enacted*, That when such account shall have been written, and the illustrations for the same shall have been prepared, an advertisement shall be inserted in the papers publishing the laws of the United States, inviting proposals for printing one hundred copies of the same for the United States, to be delivered to the Librarian of Congress in a time, and at a price to be stipulated in such contract; and the contract shall be made with, and given to, the person offering and giving sufficient assurance to perform the work at the lowest price; and, on such contract being made, the "account" shall be delivered to such contractor.

Contract to be given to the lowest bidder, &c.

Objects of natural history to be deposited, in the Patent Office, &c.

SEC. 3. *And be it further enacted*, That until other provision be made by law for the safe-keeping and arrangement of such objects of natural history as may be in possession of the Government, the same shall be deposited and arranged in the upper room of the Patent Office, under the care of such person as may be appointed by the Joint Committee on the Library.

APPROVED. August 26, 1842.

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

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 per centage upon stores or supplies be charged to, or received from, persons in the naval service, other than those which are hereinafter prescribed.

All supplies for the navy to be made with the public money, under regulations to be prescribed by the Executive.

Pursers, &c., nor to dispose of stores to officers or crew, on their own account.

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

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

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.

Pay of pursers.

SEC. 3. *And be it further enacted,* That in lieu of the pay, rations, allowances, and other emoluments authorized by the existing laws and regulations, the annual pay of pursers shall be as follows, viz: when attached to vessels in commission for sea service, they shall receive—

Attached to vessels in commission.

For ships of the line	-	-	-	-	\$3,500	
For frigates or razees	-	-	-	-	3,000	
For sloops of war and steamers of first class	-	-	-	-	2,000	
For brigs, and schooners, and steamers, less than first class	-	-	-	-	1,500	
On duty at navy yards at Boston, New York, Norfolk, and Pensacola	-	-	-	-	2,500	At navy yards.
At Portsmouth, Philadelphia, and Washington	-	-	-	-	2,000	
At naval stations within the United States	-	-	-	-	1,500	At naval stations.
And in receiving ships at Boston, New York, and Norfolk	-	-	-	-	2,500	In receiving ships.
And at other places	-	-	-	-	1,500	At other places, & On leave.
On leave, or waiting orders, the same pay as surgeons.						

In receiving ships. At other places, & On leave.

And it is hereby expressly declared, that the yearly pay provided in this act is all the pay, compensation, and allowance that shall be received, under any circumstances, by pursers, except one ration each per day, when attached to vessels for sea service, and except also for travelling expenses when under orders, for which ten cents per mile shall be allowed.

Yearly pay allowed by this act to be all their compensation and allowance, except, &c.

SEC. 4. *And be it further enacted,* That nothing in this act contained shall be construed to affect the bonds which have

Bonds heretofore given not affected by this act.

1842.

Secretary of the Navy may demand new bonds.

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

Rules, &c., to be laid before Congress.

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

Act to go into effect, when.

Pursers at certain stations, &c., allowed a clerk or assistant.

Clerk's compensation.

His privileges.

Pursers and clerks allowed one ration, when.

Pursers' stores on board ships in commission to be taken by Government.

Acts inconsistent with this act, repealed.

Pay of boatswains, gunners, carpenters, and sailmakers.

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.

SEC. 5. *And be it further enacted,* That the rules and regulations which shall be made in conformity with the provisions of this act, shall be laid before Congress at their next session.

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.

SEC. 7. *And be it further enacted,* That the provisions of this act shall go into effect, within the United States, from the date of its passage; and in vessels abroad at the beginning of the quarter after its official receipt.

SEC. 8. *And be it further enacted,* That pursers attached to, and doing duty in, navy yards at Boston, New York, and Norfolk, and sea-going vessels of a larger class than sloops of war, shall be authorized to appoint a clerk or assistant, to be approved by the commanding officer of such yard or vessel; and the yearly compensation of such clerk shall be as follows, viz:

In a frigate, or navy yard at Boston, New York, and

Norfolk	-	-	-	-	-	\$500
In a ship of the line	-	-	-	-	-	700

Said assistant or clerk shall have the privileges which are allowed to the clerk of the commanding officer; and each purser and clerk, while attached to vessels in commission, shall receive one ration per day.

SEC. 9. *And be it further enacted,* That all stores of pursers on board ships in commission, shall be taken by the Government at a fair valuation, under the direction of the Secretary of the Navy.

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.

SEC. 11. *And be it further enacted,* That, from and after the passage of this act, the annual pay of the forward warrant officers of the navy of the United States shall be as follows:

For boatswains, gunners, carpenters, and sailmakers—
When on duty on board ships of the line, and in the three navy yards at Boston, New York, and Norfolk - \$800
On other duty - - - - - 700

When on leave of absence, or awaiting orders, the said officers shall receive - - - - \$500 for the first ten years, and after \$600.

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SEC. 12. *And be it further enacted*, That whenever an officer shall perform the duty of a higher grade, by order of the Secretary of the Navy, or the commander of a fleet or squadron, or ship acting singly on foreign service, such officer shall be entitled to receive the pay of such higher grade during the time he performs the duty in that grade, and no longer; and no allowance shall be made for performing such service hereafter, unless so ordered.

Officers performing the duty of a higher grade, by order, to receive the pay, and not otherwise.

APPROVED, August 26, 1842.

AN ACT to establish 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 for each person :

One pound of salted pork, with half a pint of peas or beans; or one pound of salted beef, with half a pound of flour, and a quarter of a pound of raisins, dried apples, or other dried fruits; or one pound of salt beef, with half a pound of rice, two ounces of butter, and two ounces of cheese, together with fourteen ounces of biscuit, one quarter of an ounce of tea, or one ounce of coffee, or one ounce of cocoa; two ounces of sugar, and one gill of spirits; and of a weekly allowance of half a pound of pickles or cranberries, half a pint of molasses, and half a pint of vinegar.

Component parts of the ration.

SEC. 2. *And be it further enacted*, That fresh meat may be substituted for salt beef or pork, and vegetables or sour crout for the other articles usually issued with the salted meats, allowing one and a quarter pounds of fresh meat for one pound of salted beef or pork, and regulating the quantity of vegetables or sour crout, so as to equal the value of those articles for which they may be substituted.

Fresh meat may be substituted for salted, and vegetables for other articles.

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.

Soft bread, flour, or rice may be substituted for biscuit; wine for spirits, &c.

When it may be deemed expedient by the President of the United States, Secretary of the Navy, commander of a fleet or squadron, or of a single ship when not acting under the authority of another officer on foreign service, the articles of butter, cheese, raisins, dried apples, or other dried fruits, pickles, and molasses, may be substituted for each other and for spirits: *Provided*, The article substituted shall not exceed in value the

Articles allowed to be substituted for each other in certain cases.

Proviso; value the same.

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article for which it may be issued, according to the scale of prices which is or may be established for the same.

In case of necessity, daily allowance may be diminished.

Payment to be made for the diminution.

Commander to report the necessity, &c.

SEC. 4. *And be it further enacted*, That, in cases 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 purser written orders, specifying particularly the diminution or reduction which is to be made.

Spirits not allowed to persons under twenty-one.

Others may relinquish spirits.

Value to be paid in money.

Act to take effect, when.

Acts inconsistent herewith repealed.

SEC. 5. *And be it further enacted*, That no commissioned officer or midshipman, or any person under twenty-one years of age, shall be allowed to draw the spirit part of the daily ration; and all other persons shall be permitted to relinquish that part of their ration, under such restrictions as the President of the United States may authorize; and to every person who, by this section, is prohibited from drawing, or who may relinquish, the spirit part of his ration, there shall be paid, in lieu thereof, the value of the same in money, according to the prices which are or may be established for the same.

SEC. 6. *And be it further enacted*, That the provisions of this act shall go into effect in the United States on the first day of the succeeding quarter after it becomes a law, and in vessels abroad on the first day of the succeeding quarter after its official receipt; and any acts and parts of acts which may be contrary to, or inconsistent with, the provisions of this act, shall be, and are hereby, repealed.

APPROVED, August 29, 1842.

AN ACT authorizing the Secretary of the Navy to contract for the purchase, for the United States, the right to use Babbit's anti-attribution metal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Authority to contract for the purchase thereof.

That the Secretary of the Navy be, and he hereby is, authorized to contract for the purchase, from the proprietor of the patented interest therein, for the United States, the right to use Babbit's anti-attribution metal in the construction of machinery and other work, subject to the ratification of Congress.

APPROVED, August 29, 1842.

AN ACT for the relief of Thomas Brownell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

To be paid a pension of \$10 a month, from the close of 1827, to Oct., 1840.

That the name of Thomas Brownell be placed upon the roll of navy pensioners, and that he be allowed and paid a pension

of ten dollars per month, from the close of the year one thousand eight hundred and twenty-seven, to October, one thousand eight hundred and forty, for a disability received by him while in the discharge of his duty as master on board the *Lawrence*, under Commodore Perry, in the year one thousand eight hundred and thirteen.

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APPROVED, August 29, 1842.

AN ACT for the relief of Henry Fry.

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 required to place the name of Henry Fry, of the city of Philadelphia, formerly a purser in the navy, on the list of invalid navy pensioners, and to pay him, at the rate of twenty dollars per month, to commence on the first of January, one thousand eight hundred and thirty-eight.

Pension of \$20
a month allowed.

APPROVED, August 29, 1842.

AN ACT for the relief of the legal representatives of Henry Eckford,
deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to the legal representatives of Henry Eckford, deceased, out of any money in the Treasury not otherwise appropriated, the sum of three thousand seven hundred and eighty-three dollars and ninety-seven cents, in full payment and satisfaction for any claims they, or the said Henry Eckford had, or may have, on account of the United States vessels *New Orleans* and *Chippewa* being suffered to remain on the premises of the said Henry Eckford, for any length of time anterior to the first day of January, eighteen hundred and forty-two; and a further sum, at the rate of one hundred and ninety-one dollars sixty-two and one half cents, as long as the said United States vessel *New Orleans* shall remain at Navy Point.

To be paid for
U. S. vessels remain-
ing on Hen-
ry Eckford's pre-
mises.

APPROVED, August 29, 1842.

AN ACT for the relief of Isaac Hull.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury pay to Captain Isaac Hull, of the United States navy, out of any money in the Treasury not otherwise appropriated, the sum of six hundred and four dollars and eighty-four cents, being the amount paid by said Isaac Hull to Peter H. Green for certain live-oak timber, by order from the Navy Commissioners.

To be paid \$604
84, paid by him
for live oak.

APPROVED, August 29, 1842.

1842.

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,

Act of 7th February, 1815, repealed.

That the act, approved February seventh, eighteen hundred and fifteen, entitled "An act to alter and amend the several acts for establishing a Navy Department, by adding thereto a board of commissioners," be, and the same is hereby, repealed.

Bureaus to be attached to the Navy Department.

SEC. 2. *And be it further enacted,* That there shall be attached to the Navy Department the following bureaus, to wit :

1. A bureau of Navy Yards and Docks.
2. A bureau of Construction, Equipment, and Repair.
3. A bureau of Provisions and Clothing.
4. A bureau of Ordnance and Hydrography.
5. A bureau of Medicine and Surgery.

Chiefs of the bureaus to be appointed, how.

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 appoint, from the captains in the naval service, a chief for each of the bureaus of navy yards and docks, and of ordnance and hydrography, who shall each receive a salary of three thousand five hundred dollars per annum, in lieu of all other compensation whatever in the naval service; and shall, in like manner, appoint a chief of the bureau of construction, equipment, and repairs, who shall be a skilful naval constructor; and shall also appoint a chief of the bureau of provisions and clothing, who shall each receive for his services three thousand dollars per annum; and shall, in like manner appoint, from the surgeons of the navy, a chief of the bureau of medicine and surgery, who shall receive for his services two thousand five hundred dollars per annum.

Secretary of the Navy to appoint the following clerks, for the Office of the Secretary of the Navy.

SEC. 4. *And be it further enacted,* That the Secretary of the Navy shall appoint the following clerks, to wit :

For the office of Secretary of the Navy a chief clerk, who shall receive for his services two thousand dollars per annum; one registering clerk, who shall receive for his services one thousand four hundred dollars per annum; three recording clerks, who shall receive for their services each one thousand dollars per annum; one principal corresponding clerk, who shall receive for his services one thousand five hundred dollars per annum; and two assistant corresponding clerks, who shall receive for their services each twelve hundred dollars per annum; one warrant clerk, who shall receive for his services twelve hundred dollars per annum; and one miscellaneous clerk, who shall receive for his services eight hundred dollars per annum.

Bureau of Navy Yards and Docks.

For the bureau of navy yards and docks one civil engineer, who shall receive for his services two thousand dollars per annum; one draughtsman, who shall receive for his services one thousand dollars per annum; one chief clerk, who shall receive for his services one thousand four hundred dollars per annum;

and two assistant clerks, one of whom shall receive for his services one thousand dollars per annum, and the other shall receive for his services eight hundred dollars per annum.

For the bureau of construction, equipment, and repairs, one assistant constructor and draughtsman, who shall receive for his services the sum of one thousand six hundred dollars per annum; and four clerks, one of whom shall receive for his services fourteen hundred dollars per annum, and the others shall receive for their services one thousand dollars per annum each.

Bureau of Construction, equipment, and repairs.

For the bureau of provisions and clothing, one chief clerk, who shall receive for his services one thousand four hundred dollars per annum; and two clerks, one of whom shall receive for his services one thousand two hundred dollars per annum, and the other shall receive for his services eight hundred dollars per annum.

Bureau of Provisions and clothing.

For the bureau of ordnance and hydrography, one draughtsman, who shall receive for his services one thousand dollars per annum; and three clerks, one of whom shall receive for his services twelve hundred dollars per annum, and the others shall receive for their services one thousand dollars per annum each.

Bureau of Ordnance and Hydrography, and

For the bureau of medicine and surgery two clerks, one of whom shall receive for his services twelve hundred dollars per annum, and the other shall receive for his services eight hundred dollars per annum; and one assistant surgeon, who shall receive for his services not less than the highest pay of his grade in the service.

Bureau of Medicine and Surgery.

SEC. 5. *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 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.

Duties to be distributed among the bureaus.

To be performed under authority of the Secretary of the Navy, &c.

SEC. 6. *And be it further enacted*, That there shall be allowed to each bureau a messenger, who shall receive for his services a compensation not exceeding seven hundred dollars per annum.

Messengers.

SEC. 7. *And be it further enacted*, That the chief of each bureau hereby established, shall be authorized to frank all communications from his bureau; and all communications to his bureau, on the business thereof, shall be free of postage.

Franking privilege.

SEC. 8. *And be it further enacted*, That the books, records, and papers, now belonging to the office of the Navy Commissioners, shall be distributed among the bureaus, according to the nature of their duties respectively; and the Secretary of the Navy is hereby authorized to provide for each bureau such books of record and accounts, and such stationery, as may be found necessary; for which purpose the sum of three thousand five hundred dollars is hereby appropriated, payable out of any moneys in the Treasury not otherwise appropriated.

Papers of the Navy Commissioners office to be distributed.

Stationery to be provided—\$3,500 appropriated therefor.

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Appropriation to carry this law into effect.

SEC. 9. *And be it further enacted*, That the unexpended balance of the appropriation for clerks in the office of the Secretary of the Navy, and the unexpended balance of the appropriation for the Commissioners of the Navy, their secretary, and clerks, together with such additional sum as may be necessary to carry this law into effect, be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated.

Officers, not above the grade of lieutenants, may, with their consent, be appointed to the clerkships.

SEC. 10. *And be it further enacted*, That the Secretary of the Navy shall, if the same can be done without detriment to the public service, appoint, with their consent, officers of the navy, not above the grade of lieutenants, to perform the duties of any clerkship created by this act, (except as herein otherwise provided,) who shall receive each for their services not more than nine hundred dollars per annum, including their regular pay and rations; but the appointment of any officer in the navy to any of the offices or clerkships in this act, shall in no manner whatever interfere with his grade in the service.

Authority to transfer money from one appropriation to another, so far as relates to the Navy Department, repealed.

SEC. 11. *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 department of the navy, repealed.

APPROVED, August 31, 1842.

AN ACT concerning professors of mathematics in 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,

Entitled to mess with lieutenants, and receive rations as such.

That professors of mathematics in the navy of the United States shall be entitled to live and mess with the lieutenants of sea-going and receiving vessels, and shall receive such rations as lieutenants of the same ship or station shall receive.

APPROVED, August 31, 1842.

AN ACT to authorize the construction of a depot for charts and instruments 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.

Secretary of the Navy to contract therefor.

That the Secretary of the Navy be, and he is hereby, authorized to contract for the building of a suitable house for a depot of charts and instruments of the navy of the United States, on a plan not exceeding in cost the sum of twenty-five thousand dollars.

Cost limited to \$25,000.

\$10,000 appropriated.

SEC. 2. *And be it further enacted*, That the sum of ten thousand dollars be, and the same is hereby, appropriated, out

of any money in the Treasury not otherwise appropriated, towards carrying this law into effect. 1842.

SEC. 3. *And be it further enacted*, That the said establishment may be located on any portion of the public land in the District of Columbia which the President of the United States may deem suited to the purpose. Location.

APPROVED, August 31, 1842.

AN ACT to regulate the appointment and pay of engineers in 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 the Secretary of the Navy shall appoint the requisite number of chief engineers and assistant engineers, not to exceed one chief engineer, two first assistant, two second assistant, and three third assistant engineers for each steam ship of war, for the naval service of the United States, who shall be paid, when in actual service, as follows :

Engineers to be appointed by the Secretary of the Navy.

Number allowed.

To the chief engineer, fifteen hundred dollars per annum and one ration per day; to the first assistant engineer, nine hundred dollars per annum and one ration per day; to the second assistant engineer, seven hundred dollars per annum and one ration per day; to the third assistant engineer, five hundred dollars per annum and one ration per day; the chief engineer shall be entitled to mess in the ward room of ships of war, and in all cases of prize money he shall share as a lieutenant; the first assistant engineer shall share as a lieutenant of marines; the second assistant engineer shall share as a midshipman; the third assistant engineer shall share as the forward officers; but neither the chief nor the assistant engineers shall hold any other rank than as engineers. Pay in service, &c.

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, who shall receive, each, thirty dollars per month and one ration per day; and the requisite number of coal heavers, who shall receive, each, eighteen dollars per month and one ration per day; and the said firemen and coal heavers shall, in all cases of prize money, share as seamen. Firemen and coal heavers authorized.

SEC. 3. *And be it further enacted*, That the said chief engineer and assistant engineers, when waiting orders, shall be paid as follows: to the chief engineer, twelve hundred dollars per annum; to the first assistant engineer, seven hundred dollars per annum; to the second assistant engineer, five hundred dollars per annum; to the third assistant engineer, three hundred and fifty dollars per annum. Pay of engineers waiting orders.

SEC. 4. *And be it further enacted*, That the Secretary of the Navy shall appoint a skilful and scientific engineer in chief, who shall receive for his services the sum of three thousand Engineer in chief to be appointed.

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dollars per annum, and shall perform such duties as the Secretary of the Navy shall require of him touching that branch of the service.

Uniform for engineers, and rules for their government, to be prescribed.

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.

Engineers subject to laws and regulations of the navy.

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.

Engineers, how appointed.

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

Depots of coal authorized.

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.

APPROVED, August 31, 1842.

AN ACT to continue the office of Commissioner of Pensions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Office continued until 4th March, 1846.

That the office of Commissioner of Pensions shall be, and the same is hereby, continued until the fourth of March, one thousand eight hundred and forty-six.

A commissioner to be appointed—his duties.

SEC. 2. *And be it further enacted*, That a Commissioner of Pensions shall be appointed by the President of the United States, by and with the consent of the Senate, and that he shall execute, under the direction of the Secretary of War and the Secretary of the Navy, such duties in relation to the various pension laws as may be prescribed by the President; and also such duties in relation to the laws granting military bounty lands as may be assigned to him by the Secretary of War, with the sanction of the President.

Allowed a salary of \$2,500, and the franking privilege.

SEC. 3. *And be it further enacted*, That the said Commissioner shall receive an annual salary of two thousand five hundred dollars, and shall have the privilege of sending and receiving letters and packets by mail free of postage.

APPROVED, January 20, 1843.

AN ACT for the relief of Samuel Hambleton.

1843.

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 hereby is, authorized to cause to be settled the account of Samuel Hambleton, for office rent and clerk hire while he was on duty as purser in the navy yard at Pensacola, in the years 1826, 1827, 1828, and 1829; and, in such settlement, to cause to be allowed to him at the rate of \$600 a year for clerk hire, and \$350 for house rent and office rent, from the 21st day of August, 1826, until sufficient accommodations were put up by the Government, at the said navy yard, for the accommodation of the purser with house and office room: *Provided*, That no greater sum shall be allowed, as a balance due to said Hambleton, on such settlement than \$970 81; and the Secretary of the Treasury is hereby authorized to pay to the said Samuel Hambleton such balance as may be found due to him on such settlement, out of any money in the Treasury not otherwise appropriated.

An account of S. Hambleton to be settled, and certain allowances made him.

Proviso.

APPROVED, January 28, 1843.

AN ACT for the relief of Benjamin J. Totten.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That there be allowed and paid to Benjamin J. Totten, of the United States Navy, out of any money in the Treasury not otherwise appropriated, the difference of compensation between a sailing master and a lieutenant in the navy, for the period during which said Totten acted as lieutenant on board of the United States schooner Dolphin, in the year 1833, by the temporary appointment of J. C. Long, commander; said Totten furnishing to the Navy Department satisfactory evidence of the fact.

To be paid for services while acting lieutenant in the navy.

APPROVED, March 1, 1843.

AN ACT for the relief of Mary Crawford.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That Mary Crawford, widow of David Ross Crawford, late of the United States Navy, be placed on the roll of pensioners, and that there be paid to her such sum, as an annual pension, as she would have been entitled to receive had her late husband been a lieutenant in the service at the time of his death.

Allowed a pension.

APPROVED, March 1, 1843.

1843.

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 30th day of June, 1844.

[EXTRACTS.]

Dry dock at
New York.

And the Secretary of the Navy is hereby directed to cause an examination to be made of the expediency, practicability, and probable expense of constructing a dry dock in the harbor of New York upon the plan of using, as an elevating power, the water of the Croton aqueduct, and of sufficient capacity to rebuild or repair a seventy-four gun-ship, and to cause an examination of any other plan or plans of a dry dock or floating dock in said harbor, deemed worthy by the Secretary to be reported upon, and to report the result of such examination, with his opinion thereon, to the next session of Congress. And all further expenditures under the appropriations heretofore made for the dry dock in said harbor shall be suspended until the first day of January next; and the sum of \$100,000 shall be, and the same hereby is, appropriated for the construction of a floating dry dock at Pensacola, of capacity sufficient for the repair of frigates of the smaller class, and upon such plan as the Secretary of the Navy shall approve.

Dry dock at
Pensacola.

Proviso: materials for the navy, and the transportation thereof, to be furnished by contract.

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 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.

1843.

APPROVED, March 3, 1843.

AN ACT to provide for carrying into effect the treaty between the United States and Great Britain, concluded at Washington on the ninth day of August, one thousand eight hundred and forty-two.

[EXTRACT.]

SEC. 6. *And be it further enacted*, That it shall be the duty of the President of the United States, in execution of the provisions of the eighth article of said treaty, to apply so much of the naval appropriations as may be necessary therefor, to the preparation, equipment, and maintenance of the naval force therein stipulated to be employed on the coast of Africa by the United States.

Naval appropriations to be applied to the execution of the provisions of the 8th article.

APPROVED, March 3, 1843.

AN ACT authorizing an examination and survey of the harbor of Memphis, in Tennessee.

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 cause to be made an examination and survey of the harbor of Memphis, in Tennessee, in reference to the expediency of establishing a naval depot and yard for the building and repairing steam-ships and other vessels of war at that place, and that he report to Congress the result of such examination and survey; and that the sum of three thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury unappropriated, to defray the expenses of such examination and survey.

Examination and survey to be made with a view to the establishment of a naval depot.

Appropriation therefor.

APPROVED, March 3, 1843.

AN ACT to modify the act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," approved July 7, 1838.

[EXTRACT.]

SEC. 5. *And be it further enacted*, That in execution of the authority vested in him by the second section of the joint resolution "authorizing experiments to be made for the purpose of testing Samuel Colt's sub-marine battery, and for other purposes," approved August 31, 1842, the Secretary of the Navy shall appoint a board of examiners, consisting of three

Experimental trials of inventions to prevent the explosion of steam boilers, &c., authorized.

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persons, of thorough knowledge as to the structure and use of the steam engine, whose duty it shall be to make experimental trials of such inventions and plans designed to prevent the explosion of steam boilers and collapsing of flues, as they may deem worthy of examination, and report the result of their experiments, with an expression of their opinion as to the relative merits and efficacy of such inventions and plans; which report the Secretary shall cause to be laid before Congress at its next session. It shall also be the duty of said examiners to examine and report the relative strength of copper and iron boilers of equal thickness, and what amount of steam to the square inch, when sound, is capable of working with safety; and whether hydrostatic pressure, or what other plan, is best for testing the strength of boilers under the inspection laws; and what limitations as to the force or pressure of steam to the square inch, in proportion to the ascertained capacity of a boiler to resist, it would be proper to establish by law for the more certain prevention of explosions.

APPROVED, March 3, 1843.

AN ACT making appropriations for the civil and diplomatic expenses of Government for the fiscal year ending the 30th day of June, 1844.

[EXTRACTS.]

Purchase of
Babbitt's anti-at-
trition metal.

For payment to Isaac Babbitt, of Boston, in execution of a contract made with him by the Secretary of the Navy for the purchase of Babbitt's "anti-at-trition metal," pursuant to the act of Congress of the 29th of August, 1842, twenty thousand dollars; and the accounting officers of the Treasury are hereby authorized and directed, in the settlement of the accounts of the officers attached to the late surveying and exploring expedition to the Pacific ocean and the South seas, who were employed in the scientific duties, to allow and credit them with extra pay, equal to that allowed to the officers engaged in the service of the coast survey.

Extra pay to
officers of the ex-
ploring expedi-
tion.

Coast survey.

For survey of the coast of the United States, including compensation of superintendent and assistants, one hundred thousand and dollars: *Provided*, That this and all other appropriations hereafter to be made for this work, shall, until otherwise provided by law, be expended in accordance with a plan of re-organizing 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

Proviso relative
to the mode of
carrying it on,
&c.

1843.

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 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.

To defray the expenses of taking care of and preserving the botanical and horticultural specimens brought home by the squadron of the Exploring Expedition, under the direction and control of the joint committee on the Library, twelve hundred dollars.

Botanical and horticultural specimens brought home by the Exploring Expedition.

For preparing and publishing charts, and otherwise carrying into effect the act of August 26, 1842, for publishing an account of the discoveries of the Exploring Expedition, under the supervision and direction of the Joint Committee on the Library, twenty thousand dollars.

Charts of the exploring expedition.

For defraying the expenses attending the conveyance and forwarding by land, and of the receipt and delivery of mails, letters and despatches, at and between Chagres and Panama, including the compensation to an agent of the United States at each of said places for the above purposes, one thousand dollars, to be expended under the direction of the Secretary of State.

Transmission of letters between Chagres and Panama.

APPROVED, March 3, 1843.

AN ACT for the relief of the legal representatives of Robert T. Spence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized to allow to the legal representative of Robert T. Spence a credit of \$420 10, with interest on \$245 10 thereof from the time that the United States calculated and recovered interest in the judgment obtained by them against the said representative, on account of the liability of her intestate as security of G. K. Spence, on a balance appearing upon the books of the Treasury Department to be due from the said G. K. Spence for treasury notes by him received in 1815, and like interest on \$175 thereof from the same time, provided that time be not anterior to the ninth day of November, 1819; and if it be, then from the said 9th day of November, 1819, upon a judgment in favor of the United States, and against the said representative, in a suit upon a bond executed by her intestate, as the security of the said G. K. Spence.

A credit of \$420 10, with certain interest, allowed.

APPROVED, March 3, 1843.

1843.

AN ACT for the relief of William Allen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Pension, \$5 a
month.

That the Secretary of the Navy place the name of William Allen, of Portland, in the State of Maine, on the roll of invalid pensioners, at the rate of five dollars per month, to commence on the 1st day of January, 1839, and to be continued so long as said Allen's disability shall continue to be total.

APPROVED, March 1, 1843.

AN ACT for the relief of Robert Ramsay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Pension, \$5 a
month.

That the Secretary of the Navy be, and he is hereby, required to place the name of Robert Ramsay on the roll of navy pensioners, and to pay him a pension, at the rate of five dollars per month, to commence and be computed from the 30th day of December, 1827.

APPROVED, March 3, 1843.

AN ACT for the relief of John Wolfenden.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

To be paid annually a sum not exceeding \$108.

That there be paid to John Wolfenden, out of the Treasury, from any moneys not otherwise appropriated, a sum of money, annually, equal to the amount paid at the naval asylum at Philadelphia, for the support of a seaman in the service of the United States, but not exceeding one hundred and eight dollars; said payment to be made semi-yearly, and to continue during the life of said John Wolfenden.

APPROVED, March 3, 1843.

AN ACT for the relief of Boyd Reilly.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Purchase of the right to use in the army and navy B. Reilly's apparatus for the application of vapor to the human system, authorized.

That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized and instructed to receive from Boyd Reilly his patent right for the use of the different forms of apparatus invented by him for the application of gas, or vapor of any description, to the human system, which are at present in use, or may at any time hereafter be introduced into the hospitals of the army, the navy, and the penitentiary of the United States, and on board of the national shipping; and also to settle the amount of compensation due to him, on principles of equity—the sum awarded to be charged in equal proportions to the contingent expenses of the army and navy, or to hospital expenditures of each service—provided the same shall not exceed the sum of five thousand dollars.

APPROVED, March 3, 1843.

RESOLUTIONS.

A RESOLUTION in relation to the purchase of domestic water-rotted hemp for the use of the United States navy.

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, directed to purchase domestic water-rotted hemp for the use of the United States navy, so far as the same shall be found of suitable quality, and can be used beneficially to the service, having regard to the cost, strength, and durability of the article; and for that purpose shall cause purchases of such hemp to be made in the hemp-growing regions of the Union.

Purchase of domestic water-rotted hemp for the navy, directed.

SEC. 2. *And be it further resolved,* That this joint resolution shall be and remain in force for the period of seven years from the passing thereof.

This resolution to remain in force for 7 years.

APPROVED, September 11, 1841.

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 on any site or land hereafter purchased, until, &c.

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.

District Attorneys to furnish assistance.

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 posses-

Secretaries of the Executive Departments to procure additional evidence; when.

1842.

sion 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.

JOINT RESOLUTION to authorize the commission, appointed to prepare rules and regulations for the naval service, to appoint a clerk.

Employment of a temporary clerk authorized.

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 is hereby, authorized, agreeably to his request, to employ a temporary clerk for the purpose of aiding the attorney general and himself in carrying into effect the resolution of the twenty-fourth May, eighteen hundred and forty-two, which requires of them the preparation of rules and regulations for the navy.

APPROVED, August 11, 1842.

JOINT RESOLUTION authorizing experiments to be made for the purpose of testing Samuel Colt's submarine battery, and for other purposes.

Secretary of the Navy to render Mr. Colt facilities to test his submarine battery, and report to Congress.

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 is hereby, instructed to render Mr. Samuel Colt facilities to test his submarine battery, to an extent which will settle the questions whether these or any other plan can, with ease and safety, successfully be employed as a power sufficient to destroy the largest class of ships of war when in motion passing in or out of harbor, without the necessity of approach within reach of shot from guns of the largest caliber; and whether continued operations of the destruction of one or more vessels can be effected with renewing the means under exposure of an advancing squadron; and whether the same can be used for the defence of a harbor without endangering the passage in or out of other than hostile vessels, and that he report, at the next session of Congress, the expense and result of these experiments: *Provided*, That the amount so expended does not exceed the sum of fifteen thousand dollars, to be taken from the fund appropriated by the act of eleventh of September, eighteen hundred and forty-one, for experiments connected with the naval service of the United States.

Proviso: sum expended not to exceed \$15,000.

SEC. 2. *And be it further resolved*, That the Secretary of the Navy be, and he is hereby, authorized to make such experimental trial of the several inventions of Thomas M. Easton, Ethan Campbell, Aaron Quinby, or either of them, or of other persons, to prevent the explosion of steam boilers, as may be necessary to test their value and utility as applicable for the purpose aforesaid to the steam ships of the United States; and the sum of six thousand dollars is hereby appropriated therefor out of the fund heretofore named.

1843.

Trial of inventions to prevent the explosion of steam boilers, authorized.

\$6,000 appropriated.

APPROVED, August 31, 1842.

JOINT RESOLUTION to establish agencies for water-rotted hemp.

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 is hereby, authorized to establish an agency in the State of Kentucky, and an agency in the State of Missouri, for the inspection, test, and purchase of water-rotted hemp for the use of the American navy: *Provided*, That domestic hemp shall not cost more than foreign hemp of the same quality in the seaport towns of the United States.

Agencies to be established in Kentucky and Missouri.

Proviso.

APPROVED, February 18, 1843.

1864
The following is a list of the names of the persons who have been appointed to the various offices of the County of ...

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