

PUBLIC ACTS OF THE THIRTY-SEVENTH CONGRESS

OF THE

UNITED STATES,

*Passed at the first session \* which was begun and held at the City of Washington, in the District of Columbia, on Thursday, the fourth day of July, A. D. 1861, and ended on Tuesday, the sixth day of August, A. D. 1861.*

ABRAHAM LINCOLN, President. HANNIBAL HAMLIN, Vice-President, and President of the Senate. SOLOMON FOOTE was elected President of the Senate, *pro tempore*, on the eighteenth day of July, and continued so to act until the close of the session. GALUSHA A. GROW, Speaker of the House of Representatives.

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CHAP. I. — *An Act to refund and remit the Duties on Arms imported by States.*

July 10, 1861.

*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 is hereby, authorized and directed to refund and remit the duties and imposts on all arms imported into the United States since the first day of May last, or which may be imported before the first day of January next, by, or for the account of any State: *Provided,* The Secretary of the Treasury shall be satisfied that the said arms are intended, in good faith, for the use of the troops of any State which is, or may be engaged in aiding to suppress the insurrection now existing against the United States.

Duties to be remitted on arms imported by States between May 1, 1861, and Jan. 1, 1862.

Proviso.  
*Post*, p. 274.

APPROVED, July 10, 1861.

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CHAP. II. — *An Act to provide for the Payment of the Militia and Volunteers called into the Service of the United States from the Time they were called into Service to the thirtieth Day of June, eighteen hundred and sixty-one.*

July 13, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five millions seven hundred and sixty thousand dollars, or so much thereof as may be necessary, to enable the Government to pay the militia and volunteers called into service of the United States, being an additional amount required for the fiscal year ending June thirtieth, eighteen hundred and sixty-one.

Appropriation for pay of volunteers.

APPROVED, July 13, 1861.

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CHAP. III. — *An Act further to provide for the Collection of Duties on Imports, and for other Purposes.*

July 13, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever it shall in the judgment of the President, by reason of unlawful combinations of persons in opposition to the laws of the United States, become impracticable to

When impracticable to collect duties at any port of entry in any

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\* This session was called by Proclamation of the President, dated April 15th, 1861. See Appendix, Proclamation, No. 3, *post*, p. 1258.

district, they may be collected at any port of delivery in the same district.

Powers of surveyors at such ports.

Secretary of Treasury to appoint weighers, gaugers, &c.

Limits of ports to be established.

Laws to apply to such ports.

When duties cannot be collected at any port of entry or delivery in any district, the custom-house may be established, &c.

Residence and duty of collector.

Vessel may change her destination to unobstructed port.

Secretary of the Treasury to make regulations.

Vessel or cargo not to be taken from custody of officers of customs, unless, &c.

Use of military and naval force authorized.

Ports of entry may be closed in certain cases.

Notice to be given.

Effect of such discontinuance.

execute the revenue laws and collect the duties on imports by the ordinary means, in the ordinary way, at any port of entry in any collection district, he is authorized to cause such duties to be collected at any port of delivery in said district until such obstruction shall cease; and in such case the surveyors at said ports of delivery shall be clothed with all the powers, and be subject to all the obligations of collectors at ports of entry; and the Secretary of the Treasury, with the approbation of the President, shall appoint such number of weighers, gaugers, measurers, inspectors, appraisers, and clerks as may be necessary, in his judgment, for the faithful execution of the revenue laws at said ports of delivery, and shall fix and establish the limits within which such ports of delivery are constituted ports of entry, as aforesaid; and all the provisions of law regulating the issue of marine papers, the coasting trade, the warehousing of imports, and collection of duties, shall apply to the ports of entry so constituted, in the same manner as they do to ports of entry established by the laws now in force.

SEC. 2. *And be it further enacted*, That if, from the cause mentioned in the foregoing section, in the judgment of the President, the revenue from duties on imports cannot be effectually collected at any port of entry in any collection district, in the ordinary way, and by the ordinary means, or by the course provided in the foregoing section, then and in that case he may direct that the custom-house for the district be established in any secure place within said district, either on land or on board any vessel in said district or at sea near the coast; and in such case the collector shall reside at such place, or on shipboard, as the case may be, and there detain all vessels and cargoes arriving within or approaching said district, until the duties imposed by law on said vessels and their cargoes are paid in cash: *Provided*, That if the owner or consignee of the cargo on board any vessel detained as aforesaid, or the master of said vessel shall desire to enter a port of entry in any other district in the United States where no such obstructions to the execution of the laws exist, the master of such vessel may be permitted so to change the destination of the vessel and cargo in his manifest, whereupon the collector shall deliver him a written permit to proceed to the port so designated: *And, provided further*, That the Secretary of the Treasury shall, with the approbation of the President, make proper regulations for the enforcement on shipboard of such provisions of the laws regulating the assessment and collection of duties as in his judgment may be necessary and practicable.

SEC. 3. *And be it further enacted*, That it shall be unlawful to take any vessel or cargo detained as aforesaid from the custody of the proper officers of the customs, unless by process of some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the customs, it shall and may be lawful for the President, or such person or persons as he shall have empowered for that purpose, to employ such part of the army or navy or militia of the United States, or such force of citizen volunteers as may be deemed necessary for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof.

SEC. 4. *And be it further enacted*, That if, in the judgment of the President, from the cause mentioned in the first section of this act, the duties upon imports in any collection district cannot be effectually collected by the ordinary means and in the ordinary way, or in the mode and manner provided in the foregoing sections of this act, then and in that case the President is hereby empowered to close the port or ports of entry in said district, and in such case give notice thereof by proclamation; and thereupon all right of importation, warehousing, and other privileges incident to ports of entry shall cease and be discontinued at such port so closed, until opened by the order of the President on the cessation of such

obstructions ; and if, while said ports are so closed, any ship or vessel from beyond the United States, or having on board any articles subject to duties, shall enter or attempt to enter any such port, the same, together with its tackle, apparel, furniture, and cargo, shall be forfeited to the United States.

SEC. 5. *And be it further enacted,* That whenever the President, in pursuance of the provisions of the second section of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for that purpose," approved February twenty-eight, seventeen hundred and ninety-five, shall have called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when said insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which said combination exists, nor such insurrection suppressed by said State or States, then and in such case it may and shall be lawful for the President, by proclamation, to declare that the inhabitants of such State, or any section or part thereof, where such insurrection exists, are in a state of insurrection against the United States ; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue ; and all goods and chattels, wares and merchandise, coming from said State or section into the other parts of the United States, and all proceeding to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States : *Provided, however,* That the President may, in his discretion, license and permit commercial intercourse with any such part of said State or section, the inhabitants of which are so declared in a state of insurrection, in such articles, and for such time, and by such persons, as he, in his discretion, may think most conducive to the public interest ; and such intercourse, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury. And the Secretary of the Treasury may appoint such officers at places where officers of the customs are not now authorized by law as may be needed to carry into effect such licenses, rules and regulations ; and officers of the customs and other officers shall receive for services under this section, and under said rules and regulations, such fees and compensation as are now allowed for similar service under other provisions of law.

SEC. 6. *And be it further enacted,* That from and after fifteen days after the issuing of the said proclamation, as provided in the last foregoing section of this act, any ship or vessel belonging in whole or in part to any citizen or inhabitant of said State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited to the United States.

SEC. 7. *And be it further enacted,* That in the execution of the provisions of this act, and of the other laws of the United States providing for the collection of duties on imports and tonnage, it may and shall be lawful for the President, in addition to the revenue cutters in service, to employ in aid thereof such other suitable vessels as may, in his judgment, be required.

SEC. 8. *And be it further enacted,* That the forfeitures and penalties incurred by virtue of this act may be mitigated or remitted in pursuance of the authority vested in the Secretary of the Treasury by the act enti-

The President, in certain cases, may declare the inhabitants of a State, &c. to be in a state of insurrection.

1795, ch. 36, § 2. Vol. i. p. 424.

1861, ch. 32. Post, p. 284.

Commercial intercourse thereupon to cease.

Certain goods to be forfeited.

President may permit intercourse in certain cases, and under regulations.

Officers of customs may be appointed; their pay, &c.

Vessels belonging to those in insurrection, when to be forfeited.

The navy may be used to execute the revenue laws.

Remission of penalties.

1797, ch. 13.  
Vol. 1. p. 506.

In what courts  
forfeitures may be  
enforced.

led "An act providing for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned," approved March third, seventeen hundred and ninety-seven, or in cases where special circumstances may seem to require it, according to regulations to be prescribed by the Secretary of the Treasury.

SEC. 9. *And be it further enacted*, That proceedings on seizures for forfeitures under this act may be pursued in the courts of the United States in any district into which the property so seized may be taken and proceedings instituted; and such courts shall have and entertain as full jurisdiction over the same as if the seizure was made in that district.

APPROVED, July 13, 1861.

July 17, 1861.

CHAP. IV. — *An Act to provide for the Appointment of Assistant Paymasters in the Navy.*

Grade of assistant paymaster in the navy established.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the grade of assistant paymaster in the navy of the United States be, and hereby is, established, and that from and after the passage of this act the President of the United States, by and with the advice and consent of the Senate, may appoint assistant paymasters from time to time, as they shall be needed for active service in the navy, not exceeding thirty-six in number.

Number.

Qualifications.

SEC. 2. *And be it further enacted*, That every person who shall be appointed assistant paymaster shall at the time of his appointment, be not less than twenty-one years of age, nor more than twenty-six years; and that, previous to his appointment, his physical, mental, and moral qualifications shall be inquired into and favorably reported upon by a board of paymasters appointed for that purpose by the Secretary of the Navy, and under such regulations as he may prescribe.

Pay.

SEC. 3. *And be it further enacted*, That the annual pay of assistant paymaster shall be as follows, viz. :

On duty at sea, for the first five years after date of commission, one thousand three hundred dollars; after five years from date of commission, one thousand five hundred dollars.

On other duty, for the first five years after date of commission, one thousand dollars; after five years from date of commission, one thousand two hundred dollars.

On leave of absence or waiting orders, for the first five years after date of commission, eight hundred dollars; after five years from date of commission, one thousand dollars; and when attached to vessels for sea service, each assistant paymaster shall be entitled to one ration per day.

Commanding officers of vessels not required to act as paymasters, &c.

SEC. 4. *And be it further enacted*, That from and after the passage of this act no commanding officer of any vessel in the navy shall be required to perform the duties of paymaster or assistant paymaster; and when such office shall become vacant, by death or otherwise, in ships at sea or on foreign stations, or on the Pacific coast of the United States, the senior officer present may make an acting appointment of any fit person to perform the duties until another paymaster or assistant paymaster shall report for duty. Any person performing the duties of paymaster or assistant paymaster in accordance with this section (but not otherwise,) shall be entitled to receive the pay of such grade whilst so acting.

Vacancies in office of paymaster, how filled.

Pay of acting paymaster, &c.

Bond of assistant paymasters.

SEC. 5. *And be it further enacted*, That each assistant paymaster shall, upon his appointment, enter into bonds in the amount of ten thousand dollars, with at least two good and sufficient securities, for the faithful performance of his duties, and that assistant paymasters shall have rank and precedence with assistant surgeons not passed, and that all appointments to fill vacancies in the corps of paymasters shall be made by regular promotion from the list of assistant paymasters.

Rank.

Paymasters to be appointed from assistants.

Future reduc-

SEC. 6. *And be it further enacted*, That within six months after the expiration of the present insurrection, the corps of paymasters and as-

Assistant paymasters shall be reduced to the number of seventy-five in the whole. tion of corps of paymasters, &c.

APPROVED, July 17, 1861.

CHAP. V. — *An Act to authorize a National Loan and for other Purposes.*

July 17, 1861.

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 is hereby, authorized to borrow on the credit of the United States, within twelve months from the passage of this act, a sum not exceeding two hundred and fifty millions of dollars, or so much thereof as he may deem necessary for the public service, for which he is authorized to issue coupon bonds, or registered bonds, or treasury notes, in such proportions of each as he may deem advisable; the bonds to bear interest not exceeding seven per centum per annum, payable semi-annually, irredeemable for twenty years, and after that period redeemable at the pleasure of the United States; and the treasury notes to be of any denomination fixed by the Secretary of the Treasury, not less than fifty dollars, and to be payable three years after date, with interest at the rate of seven and three tenths per centum per annum, payable semi-annually. And the Secretary of the Treasury may also issue in exchange for coin, and as part of the above loan, or may pay for salaries or other dues from the United States, treasury notes of a less denomination than fifty dollars, not bearing interest, but payable on demand by the Assistant Treasurers of the United States at Philadelphia, New York, or Boston, or treasury notes bearing interest at the rate of three and sixty-five hundredths per centum, payable in one year from date, and exchangeable at any time for treasury notes for fifty dollars, and upwards, issuable under the authority of this act, and bearing interest as specified above: *Provided*, That no exchange of such notes in any less amount than one hundred dollars shall be made at any one time: *And provided further*, That no treasury notes shall be issued of a less denomination than ten dollars, and that the whole amount of treasury notes, not bearing interest, issued under the authority of this act, shall not exceed fifty millions of dollars.

Secretary of Treasury may borrow within twelve months not over \$250,000,000.

Coupon or registered bonds or treasury notes may be issued therefor.

Bonds, when redeemable.

Treasury notes; denomination; interest; when payable.

Certain treasury notes may be issued in exchange for coin, &c.

1861, ch. 46, §§ 1, 5. *Post*, p. 313.

*Proviso*. *Post*, pp. 345, 370.

*Proviso*.

*Post*, p. 313.

Notes and bonds, how signed, &c.

SEC. 2. *And be it further enacted*, That the treasury notes, and bonds issued under the provisions of this act shall be signed by the First or Second Comptroller, or the Register of the Treasury, and countersigned by such other officer or officers of the Treasury as the Secretary of the Treasury may designate; and all such obligations, of the denomination of fifty dollars and upwards, shall be issued under the seal of the Treasury Department. The registered bonds shall be transferable on the books of the Treasury on the delivery of the certificate, and the coupon bonds and treasury notes shall be transferable by delivery. The interest coupons may be signed by such person or persons, or executed in such manner, as may be designated by the Secretary of the Treasury, who shall fix the compensation for the same.

How transferable.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury shall cause books to be opened for subscription to the treasury notes for fifty dollars and upwards at such places as he may designate in the United States and under such rules and regulations as he may prescribe, to be superintended by the Assistant Treasurers of the United States at their respective localities, and at other places, by such depositaries, postmasters, and other persons as he may designate, notice thereof being given in at least two daily papers of this city, and in one or more public newspapers published in the several places where subscription books may be opened; and subscriptions for such notes may be received from all persons who may desire to subscribe, any law to the contrary notwithstanding; and if a larger amount shall be subscribed in the aggregate than is required at one time, the Secretary of the Treasury is authorized to receive the same, should he deem it advantageous to the public interest; and if not, he shall

Books to be opened for subscription for treasury notes for \$50 and over, &c.

Who may subscribe.

If larger amount is subscribed, &c.

Pay of those receiving subscriptions.

Proviso.

Payment of subscription.

Treasury notes of \$50 and upwards may be exchanged for coin, &c.

Proposals for loan to be published.

Most favorable offers to be accepted, but at not less than par.

Portion of loan may be negotiated in foreign country.

Proceedings in such case.

Treasury notes under \$50, may be re-issued prior to Dec. 31, 1862.

Proviso.

accept the amount required by giving the preference to the smaller subscriptions; and the Secretary of the Treasury shall fix the compensations of the public officers or others designated for receiving said subscriptions: *Provided*, That for performing this or any other duty in connection with this act, no compensation for services rendered shall be allowed or paid to any public officer whose salary is established by law; and the Secretary of the Treasury may also make such other rules and regulations as he may deem expedient touching the instalment to be paid on any subscription at the time of subscribing, and further payments by instalments or otherwise, and penalties for non-payment of any instalment, and also concerning the receipt, deposit, and safe-keeping of money received from such subscriptions, until the same can be placed in the possession of the official depositaries of the Treasury, any law or laws to the contrary notwithstanding. And the Secretary of the Treasury is also authorized, if he shall deem it expedient, before opening books of subscription as above provided, to exchange for coin or pay for public dues or for treasury notes of the issue of twenty-third of December, eighteen hundred and fifty-seven, and falling due on the thirtieth of June, eighteen hundred and sixty-one, or for treasury notes issued and taken in exchange for such notes, any amount of said treasury notes for fifty dollars or upwards not exceeding one hundred millions of dollars.

SEC. 4. *And be it further enacted*, That, before awarding any portion of the loan in bonds authorized by this act, the Secretary of the Treasury, if he deem it advisable to issue proposals for the same in the United States, shall give not less than fifteen days' public notice in two or more of the public newspapers in the city of Washington, and in such other places of the United States as he may deem advisable, designating the amount of such loan, the place and the time up to which sealed proposals will be received for the same, the periods for the payment, and the amount of each instalment in which it is to be paid, and the penalty for the non-payment of any such instalments, and when and where such proposals shall be opened in the presence of such persons as may choose to attend; and the Secretary of the Treasury is authorized to accept the most favorable proposals offered by responsible bidders: *Provided*, That no offer shall be accepted at less than par.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury may, if he deem it advisable, negotiate any portion of said loan, not exceeding one hundred millions of dollars, in any foreign country and payable at any designated place either in the United States or in Europe, and may issue registered or coupon bonds for the amount thus negotiated agreeably to the provisions of this act, bearing interest payable semi-annually, either in the United States or at any designated place in Europe; and he is further authorized to appoint such agent or agents as he may deem necessary for negotiating such loan under his instructions, and for paying the interest on the same, and to fix the compensation of such agent or agents, and shall prescribe to them all the rules, regulations, and modes under which such loan shall be negotiated, and shall have power to fix the rate of exchange at which the principal shall be received from the contractors for the loan, and the exchange for the payment of the principal and interest in Europe shall be at the same rate.

SEC. 6. *And be it further enacted*, That whenever any treasury notes of a denomination less than fifty dollars, authorized to be issued by this act, shall have been redeemed, the Secretary of the Treasury may re-issue the same, or may cancel them and issue new notes to an equal amount: *Provided*, That the aggregate amount of bonds and treasury notes issued under the foregoing provisions of this act shall never exceed the full amount authorized by the first section of this act; and the power to issue, or re-issue such notes shall cease and determine after the thirty-first of December, eighteen hundred and sixty-two.

SEC. 7. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized, whenever he shall deem it expedient, to issue in exchange for coin, or in payment for public dues, treasury notes of any of the denominations hereinbefore specified, bearing interest not exceeding six per centum per annum, and payable at any time not exceeding twelve months from date, provided that the amount of notes so issued, or paid, shall at no time exceed twenty millions of dollars.

Treasury notes may be issued in exchange for coin, &c.

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury shall report to Congress, immediately after the commencement of the next session, the amount he has borrowed under the provisions of this act, of whom, and on what terms, with an abstract of all the proposals, designating those that have been accepted and those that have been rejected, and the amount of bonds or treasury notes that have been issued for the same.

Secretary of Treasury to report to Congress.

SEC. 9. *And be it further enacted*, That the faith of the United States is hereby solemnly pledged for the payment of the interest and redemption of the principal of the loan authorized by this act.

Faith of the United States pledged.

SEC. 10. *And be it further enacted*, That all the provisions of the act entitled "An act to authorize the issue of treasury notes," approved the twenty-third day of December, eighteen hundred and fifty-seven, so far as the same can or may be applied to the provisions of this act, and not inconsistent therewith, are hereby revived or re-enacted.

Certain provisions of act of 1857, ch. 1, revived. Vol. xi. p. 257.

SEC. 11. *And be it further enacted*, That, to defray all the expenses that may attend the execution of this act, the sum of two hundred thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Appropriation for expenses under this act.

APPROVED, July 17, 1861.

CHAP. VI. — *An Act making additional Appropriations for the Support of the Army for the fiscal Year ending June thirtieth, eighteen hundred and sixty-two, and Appropriations of Arrearages for the fiscal Year ending June thirtieth, eighteen hundred and sixty-one.*

July 17, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the army for the year ending the thirtieth of June, eighteen hundred and sixty-two.

Army appropriations.

For expenses of recruiting, transportation of recruits from the different rendezvous to general depots, procuring of medical attendance, and all other expenses attending the raising of twenty-four thousand two hundred and eighty-five men, to be organized into nine regiments of infantry, one regiment of cavalry, and one regiment of artillery, as per general orders number sixteen, dated War Department, Adjutant-General's Office, Washington, May fourth, eighteen hundred and sixty-one, three hundred and fifty-eight thousand dollars.

Recruiting, &c.

For purchase of books of tactics and instruction for the volunteers, fifty thousand dollars.

Books of tactics.

For pay of the army, three million nine hundred and sixty-nine thousand eight hundred and forty-eight dollars and eighty-eight cents.

Pay and commutation.

For commutation of officers' subsistence, four hundred and seventy-eight thousand three hundred and seventeen dollars and sixty cents.

For commutation of forage for officers' horses, seventy-three thousand and fifty-six dollars.

For payments in lieu of clothing for officers' servants, fifty-seven thousand one hundred and eighty dollars.

For pay of the three months' volunteers, two million five hundred and seven thousand dollars.

For pay of the two and three years volunteers, fifty-five million dollars.

For subsistence in kind for regular troops, two million four hundred and

Subsistence.

ninety-three thousand four hundred and ninety-seven dollars and fifty cents.

For subsistence in kind for two and three years' volunteers, twenty-three million eighty-four thousand two hundred and eighty-four dollars.

Quartermaster's department.

For the regular supplies of the quartermaster's department, consisting of fuel for the officers, enlisted men, guard, hospital, storehouses, and offices; of forage in kind for the horses, mules, and oxen of the quartermaster's department at the several posts and stations, and with the armies in the field; for the horses of the regiments of dragoons, and for the authorized number of officers' horses when serving in the field and at the outposts, including bedding for the animals; of straw for soldiers' bedding; and of stationery, including blank-books for the quartermaster's department, certificates for discharged soldiers, blank forms for the pay and quartermaster's department, and for printing of division and department orders and reports, fourteen million two hundred and sixty-five thousand fifty-nine dollars and thirty-seven cents.

For the incidental expenses of the quartermaster's department, consisting of postage on letters and packets received and sent by officers of the army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation of judges advocate, recorders, members, and witnesses, while on that service, under the act of [March sixteenth] eighteen hundred and two; extra pay to soldiers employed under the direction of the quartermaster's department in the erection of barracks, quarters, storehouses, and hospitals, in the construction of roads, and other constant labor, for periods of not less than ten days, under the acts of second of March, eighteen hundred and nineteen, and of fourth of August, eighteen hundred and fifty-four, including those employed as clerks at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to pay-masters and other disbursing officers, and to trains where military escorts cannot be furnished; expenses of the interment of officers killed in action, or who die when on duty in the field, or at the posts on the frontiers, or at other posts and places, when ordered by the Secretary of War, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department, including the hire of interpreters and guides for the army; compensation of clerks to officers of the quartermaster's department; compensation of forage and wagon masters, authorized by the act of fifth July, eighteen hundred and thirty-eight; for the apprehension of deserters and the expenses incident to their pursuit; and for the following expenditures required for the regiments of dragoons and light artillery, viz.: the purchase of travelling forges, blacksmiths' and shoeing tools, horse and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons, medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named, seven million six hundred and sixty-six thousand six hundred and sixty-six dollars.

1802, ch. 9,  
§§ 21, 22.  
Vol. ii. p. 136.

1819, ch. 45.  
Vol. iii. p. 488.  
1854, ch. 247,  
§ 6.  
Vol. x. p. 576.

1838, ch. 162,  
§ 10.  
Vol. v. p. 257.

Dragoon and  
artillery horses.

For the purchase of dragoon and artillery horses, ten million five hundred and fourteen thousand five hundred dollars.

Mileage.

For mileage, or the allowance made to officers of the army for the transportation of themselves and their baggage when travelling on duty without troops, escorts or supplies, five hundred thousand dollars.

Transportation.

For transportation of the army, including the baggage of the troops when moving either by land or water; of clothing, camp and garrison equipage, from the depot at Philadelphia to the several posts and army depots, and from those depots to the troops in the field; and subsistence from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of



horses, mules, and harness, and the purchase and repair of wagons, carts, and drays; and of ships and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic, and for procuring water at such posts as from their situation require it to be brought from a distance; and for clearing roads and removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operation of the troops in the field, sixteen million two hundred and twenty thousand nine hundred and fifty-four dollars.

Public transports.  
Water.  
Roads.

For gunboats on the western rivers, one million dollars.

Gunboats.

Hire of quarters for troops; of storehouses for the safe-keeping of military stores; of grounds for summer cantonments, and for temporary huts, one million five hundred thousand dollars.

Quarters, &c.

For clothing, camp and garrison equipage, thirteen million four hundred and sixteen thousand four hundred and thirty-seven dollars and two cents.

Clothing.

For contingencies of the army, two hundred thousand dollars.

Contingencies.

For the medical and hospital departments, one million two hundred and seventy-one thousand eight hundred and forty-one dollars.

Medical and hospital departments.

For armament of fortifications, four hundred and fifty-seven thousand six hundred dollars.

Armament of fortifications.

For the current expenses of the ordnance service, two hundred and six thousand two hundred and ninety-two dollars.

Ordnance.

For ordnance, ordnance stores, and supplies, including horse equipments for all mounted troops, two million three hundred and sixty thousand dollars.

For the manufacture of arms, two million five hundred and seventy-three thousand three hundred and ten dollars.

Manufacture of arms.

For increasing the manufacturing capacity of the national armory, four hundred and twenty-two thousand five hundred dollars.

For the purchase of gunpowder and lead, four hundred and fifty-one thousand seven hundred and eighty dollars.

Gunpowder and lead.

For the purchase of artillery horses, two hundred and seventy-five thousand dollars.

Artillery horses.

For additions to and extensions of the shop-room, machinery, tools and fixtures at the different arsenals, one hundred and twenty-six thousand six hundred and ninety dollars.

For the following fortifications:

Fortifications.

Fort Montgomery, Lake Champlain, New York, twenty thousand dollars.

Fort Knox, Penobscot River, Maine, twenty thousand dollars.

Fort on Hog Island Ledge, Portland harbor, Maine, fifteen thousand dollars.

Fort Adams, Newport harbor, Rhode Island, five thousand dollars.

Fort Richmond, Staten Island, New York, ten thousand dollars.

Fort on site of Fort Tompkins, Staten Island, New York, fifty thousand dollars.

Fort at Willet's Point, opposite Fort Schuyler, New York, one hundred thousand dollars.

Fort Carroll, Baltimore harbor, Maryland, twenty-five thousand dollars.

Fort Calhoun, Hampton Roads, Virginia, twenty-five thousand dollars.

Fort Taylor, Key West, Florida, one hundred thousand dollars.

Fort Jefferson, Garden Key, Florida, one hundred thousand dollars.

Fort at Fort Point, San Francisco bay, California, fifty thousand dollars.

Fort at Alcatraz Island, San Francisco bay, California, twenty-five thousand dollars.

Fort at Sandy Hook, New York harbor, one hundred thousand dollars.

Repairs, &c.,  
of barracks.

For repairs and alterations of barracks quarters at forts not permanently occupied by troops, ten thousand dollars.

For contingencies of fortifications, thirty thousand dollars.

For surveys for military defences, fifty thousand dollars.

Refunding to  
States expenses  
of volunteers.

For amount required to refund to the States expenses incurred on account of volunteers called into the field, ten million dollars.

Arrearages for  
year ending June  
30, 1861.

SEC. 2. *And be it further enacted*, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for arrearages for the year ending thirtieth of June, eighteen hundred and sixty-one.

Subsistence of  
volunteers.

For subsistence in kind for three months' volunteers, one million two hundred and eighty-one thousand dollars.

For subsistence in kind for two and three years' volunteers, four hundred and twenty thousand dollars.

Quartermas-  
ter's department.

For the regular supplies of the quartermaster's department, five hundred and sixty-five thousand two hundred and forty-six dollars and sixty-three cents.

For incidental expenses of the quartermaster's department, three hundred and sixty-five thousand and thirteen dollars and eighty cents.

Transportation.

For transportation of the army and its supplies, two million two hundred and fifty-four thousand one hundred and eighty-six dollars and eighty-one cents.

For transportation of officers' baggage, fifteen thousand three hundred and sixty-seven dollars.

Dragoon horses.

For purchase of dragoon horses, two hundred and ninety-seven thousand three hundred and thirty-five dollars.

Clothing and  
camp equipage.

For clothing, camp, and garrison equipage, one million three hundred and fifty thousand one hundred and fifty-one dollars and thirty-eight cents.

Ordnance.

For current expenses of ordnance service, twenty thousand dollars.

For ordnance, ordnance stores, and supplies, including horse equipments for all mounted troops, four hundred thousand dollars.

Manufacture  
of arms.

For manufacture of arms, sixty thousand dollars.

For increasing the manufacturing capacity of the national armory, fifty thousand dollars.

Gunpowder  
and lead.

For purchase of gunpowder and lead, forty thousand dollars.

Artillery horses.  
Quarters for  
troops, &c.

For purchase of artillery horses, twenty-five thousand dollars.

For hire of quarters for troops, of store-houses for the safe-keeping of military stores, of grounds for summer cantonments, and for temporary huts, one hundred and fifty-eight thousand, two hundred and eighty-three dollars, and eighty-one cents.

Appropriations  
applicable to all  
classes of volun-  
teers.

SEC. 3. *And be it further enacted*, That all appropriations and all provisions of law herein contained applicable to three years' volunteers shall apply to two years' volunteers, and all other volunteers who have been or may be received into the service of the United States, for a period exceeding three months.

APPROVED, July 17, 1861.

July 18, 1861.

CHAP. VII. — *An Act to alter and regulate the Navy Ration.*

Navy ration.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the navy ration shall consist of the following daily allowance of provisions to each person: One pound of salt pork, with half a pint of beans or peas; or one pound of salt beef, with half a pound of flour, and two ounces of dried apples, or other dried fruit; or three quarters of a pound of preserved meat, with half a pound of rice, two ounces of butter, and one ounce of desiccated

“mixed vegetables;” or three quarters of a pound of preserved meat, two ounces of butter, and two ounces of desiccated potato; together with fourteen ounces of biscuit, one quarter of an ounce of tea, or one ounce of coffee, or cocoa, two ounces of sugar, and a gill of spirits; and of a weekly allowance of half a pound of pickles, half a pint of molasses, and half a pint of vinegar.

SEC. 2. *And be it further enacted,* That fresh or preserved meat may be substituted for salt beef or pork, and vegetables for the other articles usually issued with the salted meats; allowing one and a quarter pound of fresh, or three quarters of a pound of preserved meat for one pound of salted beef or pork; and regulating the quantity of vegetables so as to equal the value of the articles for which they may be substituted.

Substitution of 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.

Same subject.

SEC. 4. *And be it further enacted,* That in case of necessity, the daily allowance of provisions may be diminished or varied by the discretion of the senior officer present in command; but payment shall be made to the persons whose allowance shall be thus diminished, according to the scale of prices which is, or may be, established for the same; but a commander who shall thus make a diminution or variation shall report to his commanding officer, or to the Navy Department, the necessity for the same, and give to the paymaster written orders, specifying particularly the diminution or reduction which is to be made.

Daily allowance may be varied or diminished when necessary.

Proceedings in such case.

SEC. 5. *And be it further enacted,* That no commissioned or warrant officer, 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 rations under such restriction as the President of the United States may authorize; and that the spirit portion of the daily ration may be suspended or stopped by the commanding officer, whenever, in his opinion, it shall be expedient, for cause of drunkenness; and to any 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 sum of four cents per day.

Provision as to spirit ration.

Payment in lieu thereof.

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; that 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.

When act to take effect.

Repealing clause.

SEC. 7. *And be it further enacted,* That the Secretary of the Navy be authorized to procure the preserved meats, pickles, butter, and desiccated vegetables in such manner and under such restrictions and guarantees as in his opinion will best insure the good quality of said articles.

Preserved meats, &c., how to be procured.

APPROVED, July 18, 1861.

CHAP. VIII. — *An Act making additional Appropriations for the Naval Service for the Year ending the thirtieth of June, eighteen hundred and sixty-two, and Appropriations of Arrearages for the Year ending the thirtieth of June, eighteen hundred and sixty-one.* July 18, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the year ending the thirtieth of June, eighteen hundred and sixty-two:

Naval appropriations.

For pay of commission, warrant, and petty officers and seamen, includ-

Pay.

ing the engineer corps of the navy, six million eight hundred and forty thousand dollars.

Repair and equipment.

For the repair and equipment of vessels of the navy eight million five hundred and seventy-five thousand dollars.

Fuel.

For fuel for the navy, to be purchased in the mode prescribed by law for other materials, and for the transportation thereof, one million and eighty thousand dollars.

Hemp.

For the purchase of hemp and other materials for the navy, three hundred thousand dollars.

Ordnance.

For ordnance and ordnance stores, including incidental expenses, three million five hundred and twenty thousand dollars.

Seven steam screw sloops.

1861, ch. 49, § 9. *Ante*, p. 151. Side-wheel steamer.

For the completion of seven steam screw sloops, authorized by act of February twenty-first, eighteen hundred and sixty-one, one million six hundred thousand dollars.

For the completion of seven steam screw sloops and side-wheel steamer, ninety-one thousand four hundred and thirty-nine dollars and eighty-two cents.

Provisions.

For provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea service, one million nine hundred and ninety-four thousand two hundred and twenty-two dollars and forty-seven cents.

Surgeons' necessaries, &c.

For surgeons' necessaries and appliances for the sick and hurt of the navy, including the engineer and marine corps, twenty-five thousand dollars.

Contingent expenses.

For contingent expenses that may accrue for the following purposes, viz.: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models and drawings, purchase and repair of fire-engines and machinery, repairs of and attending to steam-engines in navy yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber wheels, and the purchase and repairs of workmen's tools, postage on public letters, fuel, oil, and candles for navy yards and shore stations, pay of watchmen and incidental labor not chargeable to any other appropriation, transportation to and labor attending the delivery of provisions and stores on foreign stations, wharfage, dockage and rent, travelling expenses of officers and others under orders, funeral expenses, store and office rent, fuel, commissions and pay of clerks to navy agents and storekeepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial, courts of inquiry, and other services authorized by law, pay to judges advocate, pilotage and towage of vessels, and assistance to vessels in distress, and for bills of health and quarantine expenses of vessels of the United States navy in foreign ports, one million fifty-two thousand three hundred dollars: *Provided*, That the expenditures under the foregoing appropriations shall be so accounted for as to show the disbursements by each bureau, under each respective appropriation.

Each bureau to show its disbursements.

Marine Corps.

*Marine Corps.* For pay of officers, non-commissioned officers, musicians, privates, clerks, messengers, stewards, and servants, for rations and clothing for servants, additional rations for five years' service, for undrawn clothing and rations, bounties for re-enlistments, one hundred and sixty thousand two hundred and twenty-four dollars.

For provisions, forty-two thousand and forty-eight dollars.

For clothing, fifty-six thousand four hundred and forty-eight dollars.

For fuel, six thousand and forty-eight dollars.

For military stores, viz.: pay of armorers, repair of arms, purchase of accoutrements, ordnance stores, flags, drums, fifes, and other instruments, six thousand dollars.

For transportation of officers and troops, and expenses of recruiting, eight thousand dollars.

For contingencies, viz.: freight, ferriage, toll, carriage, wharfage, pur-

chase and repair of boats, compensation to judges advocate, per diem for attending courts-martial, courts of inquiry, and for constant labor, house rent in lieu of quarters, burial of deceased marines, printing, stationery, postage, telegraphing, apprehension of deserters, oil, candles, gas, repair of gas and water fixtures, water rent, forage, straw, barrack furniture, furniture for officers' quarters, bed sacks, spades, shovels, axes, picks, carpenters' tools, keep of a horse for the messenger, pay of matron, wash-erwoman, and porter at the hospital head-quarters, repairs of fire-engine, purchase and repair of engine hose, purchase of lumber for benches, mess tables, bunks, repairs to public carryall, purchase and repair of harness, galleys and cooking stoves for mess rooms, stoves where there are no grates, gravel for parade grounds, repairs of pumps, furniture for staff and commanding officers' offices, brushes, brooms, buckets, paving, and for other purposes, twelve thousand dollars.

Navy Yards.

Navy Yards.

*Portsmouth, New Hampshire.* For repairs of all kinds, ten thousand dollars. Portsmouth, N.H.

*Boston.* For machinery, completing machine shop, drainage, masting sheers, repairs, and painting, one hundred and fifty-four thousand one hundred dollars. Boston.

*New York.* For hoisting apparatus for provision stores, four thousand six hundred and fifty dollars. New York.

For dredging channels, twenty thousand dollars.

For repairs of dry dock, six thousand dollars.

For water pipes, hydrants, two thousand five hundred dollars.

For floor for mould loft, one thousand two hundred dollars.

For bilge blocks for dry dock, three thousand dollars.

For new derrick, including foundation, twenty-one thousand nine hundred and eighty-eight dollars.

For floor to third story of machine shop and columns to support, three thousand dollars.

For railroad through new store, two thousand five hundred dollars.

For caisson to launching ways, eight thousand five hundred and forty-one dollars.

For repairs of all kinds, twenty-eight thousand four hundred and thirty dollars.

For removing small shears, one thousand dollars.

*Philadelphia.* For repairs of floating dock, forty thousand dollars. Philadelphia.

*Washington.* For repairs of all kinds, forty-four thousand four hundred and forty-seven dollars. Washington.

*Mare Island.* For repairs to floating dock, and other repairs in the yard, sixty thousand dollars. Mare Island.

For machinery for machine shop, thirty thousand dollars.

*Naval Asylum, Philadelphia.* For the extension of main sewer, eight hundred dollars. Naval Asylum.

For contingent expenses at the several navy yards, to meet extraordinary demands for the remainder of the current and the next fiscal year, one hundred thousand dollars. Contingent expenses of Navy Yards.

SEC. 2. *And be it further enacted,* That the following sums be, and they are hereby, appropriated for arrearages for the year ending thirtieth of June, eighteen hundred and sixty-one: Arrearages for year ending June 30, 1861.

For pay of commission, warrant, and petty officers and seamen, including the engineer corps of the navy, three hundred and thirty-nine thousand two hundred dollars. Pay.

For the charter of vessels, their purchase, fitting for war service, reservations due on existing contracts, the fitting out of the ships of war, three million eight hundred and sixty-six thousand dollars. Purchase and charter of vessels.

For ordnance and ordnance stores, including incidental expenses, ninety thousand dollars. Ordnance.

Contingent expenses.

For contingent expenses that may accrue for the following purposes, viz.: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire-engines and machinery, repairs of and attending to steam-engines in navy yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber wheels, and the purchase and repair of workmen's tools, postage of public letters, fuel, oil, and candles for navy yards and shore stations, pay of watchmen and incidental labor not chargeable to any other appropriation, transportation to and labor attending the delivery of provisions and stores on foreign stations, wharfage, dockage, and rent, travelling expenses of officers and others under orders, funeral expenses, store and office rent, fuel, commissions and pay of clerks to navy agents and storekeepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial, courts of inquiry, and other services authorized by law, pay to judges advocate, pilotage and towage of vessels, and assistance to vessels in distress, and for bills of health and quarantine expenses of vessels of the United States navy in foreign ports, ten thousand dollars; and the Secretary of the Navy is hereby authorized to expend so much of the sums remaining in the Treasury on the first of July, eighteen hundred and sixty-one, to the credit of "printing and publication of sailing directions, wind and current charts, astronomical observations, and hydrographical surveys," as may be necessary for completing the unfinished work left at the Observatory by the late Superintendent: *Provided*, That the expenditures under the foregoing appropriations shall be so accounted for as to show the disbursements by each bureau under each respective appropriation.

Printing sailing directions.

Each bureau to show its own disbursements.

Patented articles connected with marine engines not to be bought unless, &c.

SEC. 3. *And be it further enacted*, That no patented article connected with marine engines shall be hereafter purchased or attached to, or used in connection with any steam vessel of war, until the same shall have been submitted to, and officially recommended in writing for purchase and use by a competent board of naval engineers.

APPROVED, July 18, 1861.

July 22, 1861.

CHAP. IX.—*An Act to authorize the Employment of Volunteers to aid in enforcing the Laws and protecting Public Property.*

Preamble.

1861, ch. 17.  
*Post*, p. 274.

1863, ch. 84.  
*Post*, p. 758.

Whereas, certain of the forts, arsenals, custom-houses, navy yards, and other property of the United States have been seized, and other violations of law have been committed and are threatened by organized bodies of men in several of the States, and a conspiracy has been entered into to overthrow the Government of the United States: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be, and he is hereby, authorized to accept the services of volunteers, either as cavalry, infantry, or artillery, in such numbers, not exceeding five hundred thousand, as he may deem necessary, for the purpose of repelling invasion, suppressing insurrection, enforcing the laws, and preserving and protecting the public property: *Provided*, That the services of the volunteers shall be for such time as the President may direct, not exceeding three years nor less than six months, and they shall be disbanded at the end of the war. And all provisions of law applicable to three years' volunteers shall apply to two years' volunteers, and to all volunteers who have been, or may be, accepted into the service of the United States, for a period not less than six months, in the same manner as if such volunteers were specially named. Before receiving into service any number of volunteers exceeding those now called for and accepted, the President shall, from time to time, issue his proclamation, stating the number desired, either as

Volunteers, not exceeding 500,000 may be accepted to suppress insurrection, &c.

Term of service; disbandment.

To be called for by proclamation

cavalry, infantry, or artillery, and the States from which they are to be furnished, having reference, in any such requisition, to the number then in service from the several States, and to the exigencies of the service at the time, and equalizing, as far as practicable, the number furnished by the several States, according to Federal population.

and in proportion to population of States. 1861, ch. 34, § 2. Post, p. 285.

SEC. 2. *And be it further enacted*, That the said volunteers shall be subject to the rules and regulations governing the army of the United States, and that they shall be formed, by the President, into regiments of infantry, with the exception of such numbers for cavalry and artillery, as he may direct, not to exceed the proportion of one company of each of those arms to every regiment of infantry, and to be organized as in the regular service. Each regiment of infantry shall have one colonel, one lieutenant-colonel, one major, one adjutant, (a lieutenant,) one quartermaster, (a lieutenant,) one surgeon and one assistant surgeon, one sergeant-major, one regimental quartermaster-sergeant, one regimental commissary-sergeant, one hospital steward, two principal musicians, and twenty-four musicians for a band, and shall be composed of ten companies, each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and from sixty-four to eighty-two privates.

To be subject to army rules and regulations. How to be formed.

Infantry regiments, how made up.

1862, ch. 127, § 3. Post, p. 502. 1862, ch. 200. Post, p. 594.

SEC. 3. *And be it further enacted*, That these forces, when accepted as herein authorized, shall be organized into divisions of three or more brigades each; and each division shall have a major-general, three aides-de-camp, and one assistant adjutant-general with the rank of major. Each brigade shall be composed of four or more regiments and shall have one brigadier-general, two aides-de-camp, one assistant adjutant-general with the rank of captain, one surgeon, one assistant quartermaster, and one commissary of subsistence.

Divisions and brigades, how composed and officered.

SEC. 4. *And be it further enacted*, That the President shall be authorized to appoint, by and with the advice and consent of the Senate, for the command of the forces provided for in this act, a number of major-generals, not exceeding six, and a number of brigadier-generals, not exceeding eighteen, and the other division and brigade officers required for the organization of these forces, except the aides-de-camp, who shall be selected by their respective generals from the officers of the army or volunteer corps: *Provided*, That the President may select the major-generals and brigadier-generals provided for in this act, from the line or staff of the regular army, and the officers so selected shall be permitted to retain their rank therein. The governors of the States furnishing volunteers under this act, shall commission the field, staff, and company officers requisite for the said volunteers; but, in cases where the State authorities refuse or omit to furnish volunteers at the call or on the proclamation of the President, and volunteers from such States offer their services under such call or proclamation, the President shall have power to accept such services, and to commission the proper field, staff, and company officers.

Major-generals and brigadier-generals to be appointed.

may be selected from regular army, and retain their rank therein.

Field, staff and company officers, how commissioned.

SEC. 5. *And be it further enacted*, That the officers, non-commissioned officers, and privates, organized as above set forth, shall, in all respects, be placed on the footing, as to pay and allowances, of similar corps of the regular army: *Provided*, That the allowances of non-commissioned officers and privates for clothing, when not furnished in kind, shall be three dollars and fifty cents per month, and that each company officer, non-commissioned officer, private, musician, and artificer of cavalry shall furnish his own horse and horse equipments, and shall receive forty cents per day for their use and risk, except that in case the horse shall become disabled, or shall die, the allowance shall cease until the disability be removed or another horse be supplied. Every volunteer non-commissioned officer, private, musician, and artificer, who enters the service of the United States under this act, shall be paid at the rate of fifty cents in lieu of subsistence, and if a cavalry volunteer, twenty-five cents additional, in lieu of forage, for

Pay to be that of same grades in regular army.

Proviso. [Repealed in part, 1862, ch. 200, § 10. Post, p. 595.]

Commutation of subsistence and travel.

every twenty miles of travel from his place of enrolment to the place of muster—the distance to be measured by the shortest usually travelled route; and when honorably discharged an allowance at the same rate, from the place of his discharge to his place of enrolment, and, in addition thereto, if he shall have served for a period of two years, or during the war, if sooner ended, the sum of one hundred dollars: *Provided*, That such of the companies of cavalry herein provided for, as may require it, may be furnished with horses and horse equipments in the same manner as in the United States army.

Proviso.

Provision for volunteers wounded or disabled, or killed or dying in service.

Post, p. 535.

Pay of regimental bands,

SEC. 6. *And be it further enacted*, That any volunteer who may be received into the service of the United States under this act, and who may be wounded or otherwise disabled in the service, shall be entitled to the benefits which have been or may be conferred on persons disabled in the regular service, and the widow, if there be one, and if not, the legal heirs of such as die, or may be killed in service, in addition to all arrears of pay and allowances, shall receive the sum of one hundred dollars.

SEC. 7. *And be it further enacted*, That the bands of the regiments of infantry and of the regiments of cavalry shall be paid as follows: one-fourth of each shall receive the pay and allowances of sergeants of engineer soldiers; one-fourth those of corporals of engineer soldiers; and the remaining half those of privates of engineer soldiers of the first class; and the leaders of the band shall receive the same pay and emoluments as second lieutenants of infantry.

wagoners and saddlers, &c.

Post, p. 594.

SEC. 8. *And be it further enacted*, That the wagoners and saddlers shall receive the pay and allowances of corporals of cavalry. The regimental commissary-sergeant shall receive the pay and allowances of regimental sergeant-major, and the regimental quartermaster-sergeant shall receive the pay and allowances of a sergeant of cavalry.

Each regiment to have a chaplain.

Appointment, qualifications, and duties.

Post, pp. 288, 595.

SEC. 9. *And be it further enacted*, That there shall be allowed to each regiment one chaplain, who shall be appointed by the regimental commander on the vote of the field officers and company commanders on duty with the regiment at the time the appointment shall be made. The chaplain so appointed must be a regular ordained minister of a Christian denomination, and shall receive the pay and allowances of a captain of cavalry, and shall be required to report to the colonel commanding the regiment to which he is attached, at the end of each quarter, the moral and religious condition of the regiment, and such suggestions as may conduce to the social happiness and moral improvement of the troops.

Military board for examination of commissioned officers of volunteers.

SEC. 10. *And be it further enacted*, That the general commanding a separate department or a detached army, is hereby authorized to appoint a military board or commission, of not less than three nor more than five officers, whose duty it shall be to examine the capacity, qualifications, propriety of conduct and efficiency of any commissioned officer of volunteers within his department or army, who may be reported to the board or commission; and upon such report, if adverse to such officer, and if approved by the President of the United States, the commission of such officer shall be vacated: *Provided always*, That no officer shall be eligible to sit on such board or commission, whose rank or promotion would in any way be affected by its proceedings, and two members at least, if practicable, shall be of equal rank of the officer being examined. And when vacancies occur in any of the companies of volunteers, an election shall be called by the colonel of the regiment to fill such vacancies, and the men of each company shall vote in their respective companies for all officers as high as captain, and vacancies above captain shall be filled by the votes of the commissioned officers of the regiment, and all officers so elected shall be commissioned by the respective Governors of the States, or by the President of the United States.

Effect of adverse report.

Proviso.

Vacancies in company officers, how filled.

In regimental officers.

Officers how commissioned. 1861, ch. 57, § 3. Post, p. 318.

Postage on letters written by

SEC. 11. *And be it further enacted*, That all letters written by soldiers in the service of the United States, may be transmitted through the mails



without prepayment of postage, under such regulations as the Post-Office Department may prescribe, the postage thereon to be paid by the recipients.

soldiers need not be prepaid.

Post, p. 332.

SEC. 12. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed to introduce among the volunteer forces in the service of the United States, the system of allotment tickets now used in the navy, or some equivalent system, by which the family of the volunteer may draw such portions of his pay as he may request.

Allotment tickets may be introduced among the volunteer forces.

APPROVED, July 22, 1861.

CHAP. X. — *An Act authorizing the Secretary of the Treasury to remit Fines and Penalties incurred in certain Cases.* July 24, 1861.

*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 is hereby, authorized to pay, out of any moneys in the Treasury not otherwise appropriated, to the person or persons entitled to receive the same, the amount of such fines or penalties as have been incurred and paid by the owners or masters of vessels since the first day of December, eighteen hundred and sixty, in consequence of their failure to produce to collectors of the customs the clearances or other papers prescribed and required by the laws of the United States regulating the issue of marine papers, and the foreign and coasting trades: *Provided*, That the Secretary of the Treasury shall be satisfied in each case that there was no wilful negligence, or any intention of fraud on the part of the person or persons incurring the fines or penalties aforesaid, and that they were unable to obtain the requisite papers, by reason of there being no officer of the customs at the port of departure authorized to issue marine papers, or to grant clearances under the laws of the United States.

Secretary of Treasury may remit certain fines and penalties.

Proviso.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and is hereby, authorized to pay, out of any moneys in the Treasury not otherwise appropriated, to the person or persons entitled to receive the same, the sum of five hundred dollars, that being the amount of a fine improperly exacted by the collector of the customs at the port of Norfolk, Virginia, in the month of November, eighteen hundred and sixty, of the master of the "India," a Russian vessel.

\$500 to be paid for fine exacted of the "India."

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and is hereby, authorized to remit, in whole or in part, on such conditions, and under such regulations, not inconsistent with law, as he may prescribe, the additional duty secured by the bond given for the transportation of merchandise from a port in one collection district to a port in another collection district, prescribed by the sixth section of the act entitled "An act to extend the warehousing system by establishing private bonded warehouses, and for other purposes," approved the twenty-eighth day of March, eighteen hundred and fifty-four: *Provided*, That it shall be proved to the satisfaction of the Secretary of the Treasury that the failure to transport and deliver the merchandise aforesaid according to the conditions of the bond, occurred without wilful negligence or fraudulent intent on the part of the obligors.

Additional duties under transportation bonds may be remitted in certain cases.

1854, ch. 30, § 6, Vol. x. p. 272.

Proviso.

APPROVED, July 24, 1861.

CHAP. XI. — *An Act making additional Appropriations for sundry Civil Expenses of the Government for the Year ending the thirtieth of June, eighteen hundred and sixty-two, and Appropriations of Arrearages for the Year ending thirtieth of June, eighteen hundred and sixty-one.* July 24, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and the same are hereby, appropriated, for the objects hereafter expressed, for

Civil expenses. Appropriations.

the fiscal year ending the thirtieth of June, eighteen hundred and sixty-two, viz.:

- Steam or sailing revenue cutters. For purchase or construction of steam or sailing revenue cutters, equipping the same, and expenses connected therewith, four hundred and fifty thousand dollars.
- Repair bridges, &c. For repair of the Potomac, Navy Yard, and upper bridges, and the roads appurtenant thereto, ten thousand dollars.
- Repairs of Capitol. For annual repairs of the Capitol water-closets, public stables, water-pipes, broken glass, and locks, one thousand dollars.
- Fuel. For fuel, in part, of the President's House, six hundred dollars.
- Executive office. For contingent expenses of the executive office, including stationery therefor, one thousand dollars.
- Foreign intercourse. For contingent expenses of foreign intercourse, twenty thousand dollars.
- Publication of Laws. For publication in pamphlet form and in the newspapers of the States and Territories the laws of the first session of the Thirty-seventh Congress, nine thousand dollars, or so much thereof as may be necessary.
- Arrearages for year ending June 30, 1861. SEC. 3. *And be it further enacted*, That the following sums be, and the same are hereby appropriated, in like manner, for the year ending the thirtieth of June, eighteen hundred and sixty-one:
- Lighting Capitol, &c. For lighting the Capitol and President's House, the public grounds around them, and around the executive offices, eight thousand dollars.
- Executive office. For contingent expenses of the executive office, including stationery therefor, four hundred dollars.
- Asbury Dickens to be credited with certain sum. SEC. 4. *And be it further enacted*, That the proper accounting officers of the Treasury are hereby directed to allow to Asbury Dickens, late Secretary of the Senate, in the settlement of his accounts, credit for a payment to Mrs. E. A. Richardson, of four hundred dollars, under a resolution of the Senate of the second of March, one thousand eight hundred and sixty-one.

APPROVED, July 24, 1861.

July 24, 1861.

CHAP. XII. — *An Act in Relation to forwarding Soldiers' Letters.*

Prepaid letters to soldiers may be forwarded, &c. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all prepaid letters to soldiers in any regiment in the service of the United States, and directed to them at a point where they have been stationed, may be forwarded, whenever practicable, to any other point to which they may have been ordered, without further charge thereon.

APPROVED, July 24, 1861.

July 24, 1861.

CHAP. XIII. — *An Act to provide for the temporary Increase of the Navy.*

Temporary increase of navy. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for and during the present insurrection the Secretary of the Navy shall be, and he is hereby, authorized to hire, purchase, or contract for such vessels as may be necessary for the temporary increase of the navy of the United States, and he is also hereby authorized to furnish any vessel or vessels which may be purchased or contracted for, with such ordnance, ordnance stores, and munitions of war, as may be necessary to enable such vessel or vessels to render the most efficient service, pursuant to the orders which may be given to their respective commanders.

Temporary appointments by SEC. 2. *And be it further enacted*, That the temporary appointments made, or which may be made, by the Secretary of the Navy, of acting

lieutenants, acting paymasters, acting assistant surgeons, acting masters and masters' mates, are hereby ratified and confirmed as temporary acting appointments, until the return of the vessels in which they are respectively employed, or until the suppression of the present insurrection, as may be deemed necessary; and the rate of compensation allowed for the several grades specified is hereby legalized and approved.

Secretary of  
Navy confirmed,  
&c.

Post, pp. 587, 818.

SEC. 3. *And be it further enacted*, That for the purpose of carrying into effect the foregoing act, and to suppress piracy, and render more effective the closing of the ports of the insurgents, there be appropriated and placed at the disposal of the Navy Department the sum of three millions of dollars.

Appropriation.

APPROVED, July 24, 1861.

CHAP. XIV. — *An Act for the Relief of the Widows and Orphans of the Officers, Seamen, and Marines of the United States Sloop-of-war Levant, and for other Purposes.*

July 24, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, for the purpose of fixing the time at which shall commence the pensions under the existing laws, of the widows and orphan children of the officers, seamen, marines, and others in service, who were lost in the United States sloop-of-war Levant, as well as the time to which the pay of said officers, seamen, marines, and others in the service, shall be allowed, the thirtieth day of June, one thousand eight hundred and sixty-one, shall be deemed and taken to be the day on which the said sloop-of-war Levant foundered at sea.

The Levant to  
be deemed as lost  
June 30, 1861, for  
certain purposes.

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

Additional pay  
to widows and  
children, &c. of  
those lost.

SEC. 3. *And be it further enacted*, That the proper accounting officers of the Treasury Department be, and are hereby, authorized and directed to settle the accounts of Andrew J. Watson, late purser in the navy, who was lost in the sloop-of-war Levant, with all his accounts and vouchers for expenditures and payments made by him, and with all the money, stores, and supplies procured for the use of said vessel and to allow him a credit for whatever sum appears to be due from him on the books of the Department.

Accounts of Andrew  
J. Watson  
to be settled.

APPROVED, July 24, 1861.

CHAP. XV. — *An Act for the Relief of certain Musicians and Soldiers stationed at Fort Sumter, in South Carolina.*

July 24, 1861.

*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, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of eleven hundred and fifty dollars to remunerate soldiers and members of the band stationed at Fort Sumter, in South Carolina, for losses of private property incurred in the removal from Fort Moultrie to Fort Sumter, on the evening of December twenty-six, eighteen hundred and sixty; said sum to be distributed as follows, namely: To the band, four hundred dollars; to company E, first artillery, five hundred dollars; to company H, first artillery, two hundred and fifty dollars; and to be divided among the members of said band and

Certain musi-  
cians and soldiers  
at Fort Sumter to  
be paid for losses  
of private prop-  
erty.

said companies suffering losses, or the heirs of such persons as aforesaid, according to the award of the commanding officers of the several commands.

APPROVED, July 24, 1861.

July 24, 1861.

CHAP. XVI.—*An Act for the Relief of the Ohio and other Volunteers.*

Preamble.  
1795, ch. 36, § 2.  
Vol. i. p. 424.

1861, ch. 63.  
*Post*, p. 326.

Volunteers to be paid from the date of their organization and acceptance as companies by the governor of the State.

Whereas the War Department has decided that the term of service of the ninety days' volunteers, called out under the act of seventeen hundred and ninety-five, commenced only on the day when they were actually sworn into the service of the United States; and whereas, the troops now in service of the United States from the State of Ohio were not sworn into said service until some days after their organization and acceptance as companies by the Governor of said State, and that for such period, under existing laws, no payment can be made: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the proper disbursing officer compute and pay to the said volunteers compensation from the day of their organization and acceptance as companies by the Governor of the State of Ohio, as aforesaid, until the expiration of their term of service.

SEC. 2. *And be it further enacted*, That where the militia of other States are situated similarly with those of Ohio, the War Department pay them according to the provisions of the foregoing section.

APPROVED, July 24, 1861.

July 25, 1861.

1861, ch. 9, ante, p. 268.

Volunteers may be accepted in such numbers as the public exigencies demand.

Proviso.

How to be mustered into service, armed, &c.

Appointment of major-generals and brigadier-generals.

CHAP. XVII.—*An Act in addition to the "Act to authorize the Employment of Volunteers to aid in enforcing the Laws and protecting Public Property," approved July twenty-second, eighteen hundred and sixty-one.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized to accept the services of volunteers, either as cavalry, infantry, or artillery, in such numbers as the exigencies of the public service may in his opinion demand, to be organized as authorized by the act of the twenty-second of July, eighteen hundred and sixty-one: *Provided*, That the number of troops hereby authorized shall not exceed five hundred thousand.

SEC. 2. *And be it further enacted*, That the volunteers authorized by this act shall be armed as the President may direct; they shall be subject to the rules and articles of war, and shall be upon the footing, in all respects, with similar corps of the United States army, and shall be mustered into the service for "during the war."

SEC. 3. *And be it further enacted*, That the President shall be authorized to appoint, by and with the advice and consent of the Senate, for the command of the volunteer forces, such number of major-generals, and of brigadier-generals, as may, in his judgment, be required for their organization.

APPROVED, July 25, 1861.

July 25, 1861.

CHAP. XVIII.—*An Act to refund Duties on Arms imported by States.*

Duties paid on arms imported by States to be refunded.

1861, ch. 1, ante, p. 255.

*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 is hereby authorized to refund, out of any money in the Treasury not otherwise appropriated, the duties paid on arms imported by States, under the conditions and subject to the limitation of the act approved the tenth day of July, eighteen hundred and sixty-one, entitled "An act to refund and remit the duties on arms imported by States."

APPROVED, July 25, 1861.

CHAP. XIX. — *An Act for the better Organization of the Marine Corps.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, from and after the passage of this act, the United States Marine Corps shall consist of the following officers, non-commissioned officers, musicians, and privates, viz.: One colonel commandant, one colonel, two lieutenant-colonels, four majors, one adjutant and inspector, one paymaster, one quartermaster, two assistant quartermasters, twenty captains, thirty first lieutenants, thirty second lieutenants, one sergeant-major, one quartermaster-sergeant, one drum-major, one principal musician, two hundred sergeants, two hundred and twenty corporals, thirty musicians for band, sixty drummers, sixty fifiers, and twenty-five hundred privates. Marine Corps to consist of, &c.

SEC. 2. *And be it further enacted,* That the commissions of the officers now in the marine corps shall not be vacated by this act; and that the President of the United States may, during the recess of the Senate, first by promotions, and then by selections, appoint the officers hereby authorized, which appointments shall be submitted to the Senate, at their next session, for their advice and consent. Commissions of present officers not vacated. Appointments.

SEC. 3. *And be it further enacted,* That the appointment of commissioned officers to be made under the provisions of this act shall be of persons between the ages of twenty and twenty-five years, and [they] shall be subjected, under the direction of the Secretary of the Navy, to an examination as to their qualifications for the service to which they are to be appointed. Officers appointed to be between 20 and 25 years of age, and to be examined.

APPROVED, July 25, 1861.

CHAP. XX. — *An Act relative to the Revenue Marine, to fix the Compensation of the Officers thereof, and for other Purposes.* July 25, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the compensation of the officers of the revenue cutters shall be at the following rates, to wit: Officers of revenue cutters.

DUTY PAY. Duty pay.

- Captains, eighteen hundred dollars per annum.
- First lieutenants, fourteen hundred dollars per annum.
- Second lieutenants, twelve hundred dollars per annum.
- Third lieutenants, nine hundred dollars per annum.

LEAVE OF ABSENCE OR WAITING ORDERS PAY. Leave of absence pay.

- Captains, twelve hundred dollars per annum.
- First lieutenants, one thousand dollars per annum.
- Second lieutenants, eight hundred dollars per annum.
- Third lieutenants, seven hundred dollars per annum.

SEC. 2. *And be it further enacted,* That the number of officers for each revenue vessel shall be one captain and three lieutenants, first, second, and third; and of a steam-vessel, one engineer, and one assistant engineer, and such number of petty officers and men as in the opinion of the Secretary of the Treasury may be required to make the vessels efficient for the duties required of them: *Provided,* That the Secretary of the Treasury shall have the power to assign any greater number of officers than is herein prescribed should the nature of the service to which any vessel may be assigned in his opinion require it. Officers of each vessel. Provide.

SEC. 3. *And be it further enacted,* That the Secretary of the Treasury shall have the power to direct the performance of any service by the revenue vessels which, in his judgment, may be necessary for the protection of the revenue. What service revenue vessels may perform.

SEC. 4. *And be it further enacted,* That the Secretary of the Treasury may, at his discretion, dispose of any of the vessels now belonging to the revenue marine which, in his opinion, are unsuitable for service, and to Certain revenue vessels may be sold and others substituted.

Proviso.

substitute therefor such other vessels as the advanced naval architecture and the increased wants of the service demand: *Provided*, That no expenditure shall be incurred beyond the specific appropriation therefor.

The Harriet Lane may be transferred to the Navy.

Proviso.

SEC. 5. *And be it further enacted*, That the President of the United States, with the assent of the Secretary of the Treasury, may transfer the steamer "Harriet Lane" permanently to the navy: *Provided*, That the cost of said steamer shall be refunded to the appropriation "for a suitable steamer for a revenue cutter," and which amount, together with the proceeds of any vessels disposed of by authority of this act, may be applied to the building or purchase of such other vessels as may be required.

Additional engineers and assistants may be appointed.

SEC. 6. *And be it further enacted*, That there may be appointed such number of additional engineers and assistant engineers as may be required by the steamers now or hereafter in the service.

APPROVED, July 25, 1861.

July 27, 1861.

CHAP. XXI. — *An Act to indemnify the States for Expenses incurred by them in Defence of the United States.*

Post, p. 615.

States to be indemnified for expenses incurred in defence 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 Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to the Governor of any State, or to his duly authorized agents, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury.

APPROVED, July 27, 1861.

July 27, 1861.

CHAP. XXII. — *An Act making additional Appropriations for the Legislative, Executive, and Judicial Expenses of the Government for the Year ending the thirtieth of June, eighteen hundred and sixty-two, and Appropriations of Arrearages for the Year ending thirtieth of June, eighteen hundred and sixty-one.*

Legislative, Executive, &c. appropriation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-two, namely:

House of Representatives.

*Contingent expenses of the House of Representatives.*—For stationery, four thousand six hundred dollars.

For pages and temporary mail-boys, four thousand eight hundred and forty dollars.

For laborers, one thousand nine hundred and seventeen dollars.

For furniture and repairs and boxes for members, five thousand dollars.

Reporting.

For reporting proceedings of the called session of the Thirty-seventh Congress, at the rate per column fixed by law, eight thousand dollars: *Provided*, That the said proceedings shall be reported with and bound in the Congressional Globe and Appendix of the first regular session of the present Congress.

Treasury Department.

*Treasury Department.*—

Office of the Secretary of the Treasury.

For contingent expenses, including compensation of additional clerks who may be employed by the Secretary according to the exigencies of the public service, and additional compensation for extra labor of clerks in his office, twenty-five thousand dollars.

*Interior Department.*—For compiling and supervising the publication of the Biennial Register, per act of March *third*, [second] eighteen hundred and sixty-one, five hundred dollars. Interior Department. Biennial Register.

To enable the Secretary of the Interior to supply such newly created offices as are entitled thereto with full sets of the Statutes at Large, and to replace those once furnished to old officers which have since been unavoidably lost or destroyed, two thousand dollars. 1861, ch. 87, ante, p. 245. Statutes at Large.

For salaries of five clerks of class three, eleven clerks of class two, and four clerks of class one, per acts of April twenty-second and May thirty-first, eighteen hundred and fifty-four, twenty-eight thousand two hundred dollars. Clerks. 1854, ch. 52, ch. 60. Vol. x. pp. 276, 298.

For compensation of eight additional night watchmen for the Department of the Interior, at a salary of six hundred dollars each per annum, four thousand eight hundred dollars. Watchmen.

*Surveyors - General.*—For compensation of the surveyor-general of the Territory of Colorado, three thousand six hundred and nine dollars and eighty-nine cents. Surveyors-General.

For compensation of the surveyor-general of the Territory of Nevada, three thousand seven hundred and seventy-five dollars.

For compensation of the surveyor-general of the Territory of Dakota, two thousand one hundred and fifteen dollars and thirty-eight cents.

*Contingent Expenses of the War Department.*—

Office of the Secretary of War:

For the purpose of increasing temporarily the clerical force and messengers in the War Department and its bureaus, as follows, viz.: Additional clerks.

In the office of the Secretary of War, one clerk of the first class, two of the second, two of the third, and one of the fourth, and two assistant messengers, at an annual salary of eight hundred and forty dollars each. Office of Secretary.

In the office of the Quartermaster-General, five clerks of the first class, two of the second, two of the third, and one of the fourth, and two assistant messengers, at an annual salary of eight hundred and forty dollars each. Quartermaster-General.

In the office of the Commissary-General, three clerks of the first class and two of the second. Commissary-General.

In the office of Surgeon-General, one clerk of the third class. Surgeon-General.

In the office of the Paymaster-General, three clerks of the second class and three of the third. Paymaster-General.

In the Bureau of Topographical Engineers, two clerks of the third class. Topographical Engineers.

In the Ordnance Bureau, two clerks of the first class; forty-eight thousand seven hundred and sixty dollars. Ordnance.

And the Adjutant-General is authorized to employ in his office any number, not exceeding ten, of non-commissioned officers, to be selected by him from the army, in addition to his present clerical force. Adjutant-General.

For blank-books, stationery, binding, labor, and miscellaneous items, two thousand dollars. Blank-books, &c.

Office of the Adjutant-General:

For blank-books, binding, stationery, and miscellaneous items, one thousand dollars.

Office of the Paymaster-General:

For blank-books, binding, stationery, and miscellaneous items, five hundred dollars.

Office of the Surgeon-General:

For blank-books, binding, stationery, and miscellaneous items, five hundred dollars.

Office of the Colonel of Ordnance:

For blank-books, binding, stationery, and miscellaneous items, one thousand five hundred dollars.

## Office of the Colonel of Topographical Engineers :

For blank-books, binding, stationery, and miscellaneous items, eight hundred dollars.

Northwest Ex-  
ecutive Building. *For the General Purposes of the Northwest Executive Building.* — For fuel, light, and miscellaneous items, one thousand dollars.

Mint.

*Mint of the United States at Philadelphia.* — For transportation of bullion from assay office to the mint for coinage, forty thousand four hundred and seventy-four dollars and eighty-three cents.

Independent  
Treasury.

*Independent Treasury.* — For increased establishment of office of Assistant Treasurer of the United States at New York, seven thousand two hundred dollars ; for additional clerks and compensation to clerks in said office.

For additional compensation of clerk of Assistant Treasurer of the United States at Saint Louis, three hundred dollars.

Government in  
Territories.

## GOVERNMENT OF THE TERRITORIES.

Dakota.

*Territory of Dakota.* — For salaries of governor, three judges, and secretary, nine thousand seven hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, twenty thousand dollars.

Nevada.

*Territory of Nevada.* — For salaries of governor, three judges, and secretary, nine thousand seven hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, twenty thousand dollars.

District attor-  
neys and mar-  
shals.

For compensation of the district attorney for the Territory of Dakota, two hundred and fifty dollars.

For compensation of the district attorney for the Territory of Nevada, two hundred and fifty dollars.

For compensation of the marshal for the Territory of Dakota, two hundred dollars.

For compensation of the marshal for the Territory of Nevada, two hundred dollars.

Surveyors-gen-  
eral.

For office rent for the surveyor-general of the Territory of Colorado, fuel, furniture, books, stationery, and other incidental expenses, two thousand dollars.

For office rent for the surveyor-general of the Territory of Nevada, furniture, fuel, books, stationery, and other incidental expenses, two thousand dollars.

For office rent for the surveyor-general of the Territory of Dakota, furniture, fuel, books, stationery, and other incidental expenses, two thousand dollars.

Registers and  
receivers.

For salaries and commissions of registers of land-offices and receivers of public moneys, two thousand five hundred dollars.

Penitentiary.

For incidental expenses of the several land-offices, two thousand dollars  
For the support and maintenance of the penitentiary of the District of Columbia, five thousand dollars.

Additional  
clerks.

For the pay of eight additional first class clerks in the Navy Department, nine thousand six hundred dollars.

Assistant Sec-  
retary of the  
Navy.

For the salary of Assistant Secretary of the Navy, four thousand two hundred dollars.

Additional  
laborers.

For the yearly compensation of the two laborers employed in the library of Congress, which is hereby fixed at five hundred dollars each, beginning July first, eighteen hundred and sixty-one, one thousand dollars.

SEC. 2. *And be it further enacted,* That the following sum be and the



same is hereby appropriated, in like manner, for the year ending the thirtieth of June, eighteen hundred sixty-one :

For the support and maintenance of the penitentiary in the District of Columbia, seven thousand nine hundred and eighty-one dollars and eighty cents.

Penitentiary.

SEC. 3. *And be it further enacted*, That the sum of ten thousand one hundred and fifty dollars appropriated for the contingent expenses of the office of the Auditor of the Treasury for the Post-Office Department, in "An Act making appropriations for the legislative, executive, and judicial expenses of the government for the year ending the thirtieth day of June, eighteen hundred and sixty-two," approved February twentieth, eighteen hundred and sixty-one, shall be applied, so far as may be necessary, to pay for stationery, horse for use of the office, lights, washing, towels, ice, and miscellaneous items, in addition to the items mentioned in said appropriation.

Office of Auditor of Treasury for P. O. Department.

1861, ch. 44, ante, p. 137.

APPROVED, July 27, 1861.

CHAP. XXIII. — *An Act to provide for the Payment of the Police organized by the United States for the City of Baltimore, and to enable the Mint to furnish small Gold Coins, and to provide for the Manufacture or Purchase of Field Signals.*

July 27, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the maintenance of said police there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars.

Payment of United States police in Baltimore.

SEC. 2. *And be it further enacted*, That of said sum not more than twenty thousand dollars shall be expended in any one month for said purpose, and that the same shall cease when the said police are dismissed from service by the United States: *And provided*, That the disbursements of the amount hereby allowed shall be made only with the sanction and by the authority of the Commanding General of that Military Department.

How money to be expended.

Disbursements, how sanctioned.

SEC. 3. *And be it further enacted*, That there be and hereby is appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, viz :

Appropriations.

To enable the mint to furnish such small gold coins as may be required for the public service, forty thousand dollars, or so much thereof as may be necessary.

Mint.

For the manufacture or purchase of apparatus and equipments for field signals, five thousand dollars.

Field signals.

APPROVED, July 27, 1861.

CHAP. XXIV. — *An Act to increase the present Military Establishment of the United States.*

July 29, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be added to the regular army, as now authorized by law, nine regiments of infantry, one regiment of cavalry, and one regiment of artillery; each regiment of infantry to consist of not less than two nor more than three battalions, as the exigencies of the public service may, in the opinion of the President of the United States, demand; each battalion to consist of eight companies; each company to consist of one captain, one first and one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, and as many privates, not exceeding eighty-two, as the President of the United States may, according to the requirements of military service, direct. The regiment of cavalry hereby authorized shall consist of not more than three battalions of not more than two squadrons each; and each squadron shall consist of two companies, each company to be composed of one captain, one first and one second lieutenant, one first ser-

1861, ch. 47. Post, p. 314.

Increase of military establishment.

Organization of infantry regiments.

Battalions. Companies.

Cavalry regiment.

Squadrons.

geant, one quartermaster-sergeant, four sergeants, eight corporals, two musicians, two farriers, one saddler, one wagoner, and as many privates, not exceeding seventy-two, as the President of the United States may, according to the requirements of the military service, direct. The regiment of artillery hereby authorized shall consist of not more than twelve batteries; and each battery shall consist of one captain, one first and one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, eight corporals, two musicians, two artificers, one wagoner, and as many privates, not exceeding one hundred and twenty-two, as the President of the United States may, according to the requirements of the military service, direct. And there may be added to the aforesaid battery organization, at the discretion of the President, having due regard to the public necessities and means, one first and one second lieutenant, two sergeants, and four corporals.

Artillery regi-  
ment.

Batteries.

Field and staff  
commissioned  
and non-commis-  
sioned officers.

Infantry regi-  
ments.

Cavalry regi-  
ments.

Artillery regi-  
ments.

Four major-gen-  
erals and six brig-  
adier-generals to  
be added to army.

Post, pp. 314, 509.

Pay of officers  
and men.

Regimental  
bands.

Saddler, &c.,  
sergeants.

Quartermasters  
and commissar-  
ies.

Term of enlist-  
ments.

SEC. 2. *And be it further enacted*, That the field and staff commissioned and non-commissioned officers of the regiments hereinbefore authorized shall be as follows: To each regiment of infantry, one colonel, one lieutenant-colonel, one regimental adjutant, one regimental quartermaster and commissary, one drum-major, or leader of the band, and two principal musicians; and to each battalion of infantry, one major, one battalion adjutant, one battalion quartermaster and commissary, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, and one hospital-steward; the regimental and battalion adjutants, and quartermasters and commissaries, to be taken from the lieutenants of the regiments and battalions, respectively: To the regiment of cavalry, one colonel, one lieutenant-colonel, one regimental adjutant, one regimental quartermaster and commissary, and two chief buglers; and to each battalion of cavalry, one major, one battalion adjutant, one battalion quartermaster and commissary, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, one hospital-steward, one saddler sergeant, and one veterinary sergeant; the regimental adjutant and the regimental and battalion quartermasters and commissaries to be taken from the lieutenants of the regiments and battalions, respectively: To the regiment of artillery, one colonel, one lieutenant-colonel, one major to every four batteries, one adjutant, one regimental quartermaster and commissary, to be taken from the lieutenants of the regiment, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, two principal musicians, and one hospital-steward — and the bands of the regular regiments shall consist of not more than twenty-four musicians for each regiment of infantry and artillery, and sixteen musicians for each regiment of mounted troops.

SEC. 3. *And be it further enacted*, That there shall be added to the army of the United States the following general officers, namely: Four major-generals, with three aides-de-camp each, to be taken from captains or lieutenants of the army, and six brigadier-generals, with two aides-de-camp each, to be taken from the lieutenants of the army.

SEC. 4. *And be it further enacted*, That the officers and enlisted men raised in pursuance of the foregoing sections shall receive the same pay, emoluments, and allowances, and be on the same footing, in every respect, with those of corresponding grades and corps now in the regular service. The regimental bands will be paid as follows: one-fourth of each, the pay and allowances of sergeants of engineer soldiers; one-fourth, those of corporals of engineer soldiers; and one-half, those of engineer soldiers of the first class. The drum-major, or leader of the band, the pay and emoluments of a second lieutenant of infantry. The saddler sergeants, veterinary sergeants, company quartermaster-sergeants, and drum-majors, will receive the pay and allowances of sergeants of cavalry. The battalion adjutant and battalion quartermasters and commissaries will receive the emoluments now provided by law for regimental adjutants.

SEC. 5. *And be it further enacted*, That the term of enlistments made

and to be made in the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, in the regular army, including the force authorized by this act, shall be for the period of three years, and those to be made after January one, eighteen hundred and sixty-three, shall be for the term of five years, as at present authorized, and that the men enlisted in the regular forces, after the first day of July, eighteen hundred and sixty-one, shall be entitled to the same bounties, in every respect, as those allowed or to be allowed to the men of the volunteer forces.

SEC. 6. *And be it further enacted,* That the increase of the military establishment created or authorized by this act is declared to be for service during the existing insurrection and rebellion; and within one year after the constitutional authority of the Government of the United States shall be re-established, and organized resistance to such authority shall no longer exist, the military establishment may be reduced to a number not exceeding twenty-five thousand men, unless otherwise ordered by Congress.

Increase of military establishment to last during rebellion; when to be reduced to 25,000 men.

SEC. 7. *And be it further enacted,* That the President of the United States shall cause regiments, battalions, and companies to be disbanded, and officers, non-commissioned officers, musicians, and privates to be discharged, so as to reduce the military establishment as is provided by the preceding section: *Provided,* That all of the officers of the regular army who have been or may be detached or assigned to duty for service in any other regiment or corps shall resume their positions in the regular army, and shall be entitled to the same rank, promotion, and emoluments as if they had continued to serve in their own regiments or corps.

Provision for disbandment.

Officers of regular army in other corps to retain rank, &c.

SEC. 8. *And be it further enacted,* That the enlistments for the regiments authorized by this act shall be in charge of the officers detailed for that purpose who are appointed to said regiments from civil life; and that in the mean time the officers appointed to the same from the regular army shall be detailed by the commanding general to such service in the volunteer regiments now in the field as will, in his judgment, give them the greatest military instruction and efficiency; and that the commanding general may, in his discretion, employ said officers with any part of the regular forces now in the field until the regiments authorized by this act shall have been fully recruited, and detail any of the officers now in the regular army to service with the volunteer regiments now in the field, or which may hereafter be called out, with such rank as may be offered them in said volunteer regiments, for the purpose of imparting to them military instruction and efficiency.

Enlistments to be in charge of officers appointed from civil life.

Other officers to be on duty in the field.

APPROVED, July 29, 1861.

CHAP. XXV. — *An Act to provide for the Suppression of Rebellion against and Resistance to the Laws of the United States, and to amend the Act entitled "An Act to provide for calling forth the Militia to execute the Laws of the Union," &c., passed February twenty-eight, seventeen hundred and ninety-five.*

July 29, 1861.

1795, ch. 36.  
Vol. i. p. 424.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President of the United States, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory of the United States, it shall be lawful for the President of the United States to call forth the militia of any or all the States of the Union, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

The President may call forth the militia and employ them when, &c.

President to command insurgents to disperse.

SEC. 2. *And be it further enacted*, That whenever, in the judgment of the President, it may be necessary to use the military force hereby directed to be employed and called forth by him, the President shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes, within a limited time.

Militia to be subject to rules of war, and to continue in service.

SEC. 3. *And be it further enacted*, That the militia so called into the service of the United States shall be subject to the same rules and articles of war as the troops of the United States, and be continued in the service of the United States until discharged by proclamation of the President: *Provided*, That such continuance in service shall not extend beyond sixty days after the commencement of the next regular session of Congress, unless Congress shall expressly provide by law therefor: *And provided further*, That the militia so called into the service of the United States shall, during their time of service, be entitled to the same pay, rations, and allowances for clothing as are or may be established by law for the army of the United States.

Limit of service.

Pay, &c.

Penalty for disobedience of orders of President.

SEC. 4. *And be it further enacted*, That every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the President of the United States in any of the cases before recited, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall be liable to be cashiered by a sentence of court-martial, and be incapacitated from holding a commission in the militia for a term not exceeding twelve months, at the discretion of the court; and such non-commissioned officer and private shall be liable to imprisonment, by a like sentence, on failure of payment of the fines adjudged against them, for one calendar month for every twenty-five dollars of such fine.

Courts-martial, how composed.

SEC. 5. *And be it further enacted*, That courts-martial for the trial of militia shall be composed of militia officers only.

Fines, how collected and paid.

SEC. 6. *And be it further enacted*, That all fines to be assessed as aforesaid shall be certified by the presiding officer of the court-martial, and shall be collected and paid over according to the provisions and in the manner prescribed by the seventh and eighth sections of the act of February twenty-eight, seventeen hundred and ninety-five, to which this is an amendment.

1795, ch. 36,  
§§ 7, 8.

Vol. i. p. 424.

Marshals to have in their districts the authority of sheriffs.

SEC. 7. *And be it further enacted*, That the marshals of the several districts of the United States, and their deputies, shall have the same powers in executing the laws of the United States as sheriffs and their deputies in the several States, have by law, in executing the laws of the respective States.

Act 1795, ch. 36, §§ 2, 3, 4, &c. repealed.

SEC. 8. *And be it further enacted*, That sections two, three, and four of the act entitled "An Act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," approved February twenty-eight, seventeen hundred and ninety-five, and so much of the residue of said act and of all other acts as conflict with this act are hereby repealed.

Vol. i. p. 424.

APPROVED, July 29, 1861.

July 31, 1861.

CHAP. XXVII.—*An Act authorizing the Appointment of an Assistant Secretary of the Navy, and fixing the Salary of the same, and for other Purposes.*

Assistant Secretary of Navy authorized.

Salary and duties.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President shall appoint, in the department of the Secretary of the Navy, by and with the advice and consent of the Senate, a competent person, who shall be called the Assistant Secretary of the Navy, whose salary shall be four thousand dollars, payable in the same manner as the salary of the Secretary of the Navy, who shall perform all such duties in the office of the Secretary of the Navy, belonging to that department, as shall be prescribed by the Secretary of

the Navy, or as may be required by law, and who shall act as Secretary of the Navy in the absence of that officer.

SEC. 2. *And be it further enacted*, That there be added to the clerical force of the Navy Department eight additional clerks, with a salary of twelve hundred dollars each per annum.

Additional clerks in the Navy Department.

APPROVED, July 31, 1861.

CHAP. XXVIII.—*An Act making an Appropriation to pay the Expenses of transporting and delivering Arms and Munitions of War to the loyal Citizens of the States of which the Inhabitants now are or hereafter may be in Rebellion against the Government of the United States, and to provide for the Expense of organizing them into Companies, Battalions, Regiments, or otherwise, for their own Protection against domestic Violence, Insurrection, Invasion, or Rebellion.*

July 31, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of two millions of dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the President of the United States, in supplying and defraying the expenses of transporting and delivering such arms and munitions of war as in his judgment may be expedient and proper to place in the hands of any of the loyal citizens residing in any of the States of which the inhabitants are in rebellion against the Government of the United States, or in which rebellion is or may be threatened, and likewise for defraying such expenses as may be properly incurred in organizing and sustaining, while so organized, any of said citizens into companies, battalions, regiments, or otherwise, for their own protection against domestic violence, insurrection, invasion, or rebellion.

Loyal citizens of States in rebellion, appropriation to supply with arms.

APPROVED, July 31, 1861.

CHAP. XXIX.—*An Act making an Appropriation for the Purchase of Arms for the Volunteers and Regular Troops of the United States.*

July 31, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of ten millions of dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the President of the United States, for the purchase of arms for the use of the volunteers and regular troops of the United States.

Purchase of arms, appropriation for.

APPROVED, July 31, 1861.

CHAP. XXX.—*An Act providing a Commission to examine and report as to the Compensation of all Officers of the Government, and for other Purposes.*

July 31, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the purpose of scaling, equalizing, and reducing the compensation of the various officers of the Government, a Board of Commissioners is hereby organized, to be composed as follows: Of two members of the Senate, to be appointed by the presiding officer of the Senate; three members of the House of Representatives, to be appointed by the Speaker of the House; one officer of the navy and one officer of the army, to be appointed by the President. That said Board shall examine and report, as soon as practicable: First, a fair and just compensation for each officer of the Government; second, such provisions of law as will regulate the expenditure of all indefinite and contingent appropriations, including those for the courts of the United States; third, regulations for the more economical collection of the revenue; fourth, what officers or employments, if any, may be dispensed with without detriment to the public service.

Board of Commissioners to equalize and reduce pay of officers of Government, appointment and duty of.

1862, ch. 52.  
Post, p. 316.

SEC. 2. *And be it further enacted*, That said commission have leave

May report to next session of Congress, and employ a clerk. to report by bill or bills, or otherwise, to each House at the next session of Congress, and have leave to employ a clerk, at a compensation not to exceed four dollars per day for the time actually needed.

APPROVED, July 31, 1861.

July 31, 1861.

CHAP. XXXI.—*An Act to increase the Medical Corps of the Navy.*

Medical corps of the Navy, increase of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the medical corps of the Navy shall consist of eighty surgeons, and one hundred and twenty passed and other assistant-surgeons.

APPROVED, July 31, 1861.

July 31, 1861.  
1861, ch. 3, § 5.  
*Ante*, p. 257.

CHAP. XXXII.—*An Act in addition to an Act entitled "An Act further to provide for the Collection of Duties on Imports, and for other Purposes," approved July thirteenth, A. D. eighteen hundred and sixty-one.*

When the inhabitants, &c. of any State may be declared to be in a state of insurrection.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the power of the President to declare the inhabitants of any State, or any part thereof, in a state of insurrection, as provided in the fifth section of the act to which this is an addition, shall extend to and include the inhabitants of any State, or part thereof, where such insurrection against the United States shall be found by the President at any time to exist.

APPROVED, July 31, 1861.

July 31, 1861.

CHAP. XXXIII.—*An Act to define and punish certain Conspiracies.*

Certain conspiracies defined.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if two or more persons within any State or Territory of the United States shall conspire together to overthrow, or to put down, or to destroy by force, the Government of the United States, or to levy war against the United States, or to oppose by force the authority of the Government of the United States; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to seize, take, or possess any property of the United States against the will or contrary to the authority of the United States; or by force, or intimidation, or threat to prevent any person from accepting or holding any office, or trust, or place of confidence, under the United States; each and every person so offending shall be guilty of a high crime, and upon conviction thereof in any district or circuit court of the United States, having jurisdiction thereof, or district or supreme court of any Territory of the United States having jurisdiction thereof, shall be punished by a fine not less than five hundred dollars and not more than five thousand dollars; or by imprisonment, with or without hard labor, as the court shall determine, for a period not less than six months nor greater than six years, or by both such fine and imprisonment.

How punished.

APPROVED, July 31, 1861.

July 31, 1861.

CHAP. XXXIV.—*An Act authorizing the Secretary of War to reimburse Volunteers for Expenses incurred in employing regimental and other Bands, and for other Purposes.*

Money paid for certain regimental bands to be refunded.  
Procl. No. 3.  
*Post*, p. 1258.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the Secretary of War be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, to the volunteers called out by the President's proclamation of the fifteenth April, one thousand eight hundred and sixty-one, such sums of money as may have been expended by the said volunteers in the employment of regimental or company bands during the period of their service under said proclamation: *Provided*, The

PROVISO.

amount to be allowed shall not exceed that to be paid to volunteer bands regularly mustered into the service under the President's proclamation of May third, one thousand eight hundred and sixty-one.

Procl. No. 6.  
Post, p. 1260.

SEC. 2. *And be it further enacted*, That the President, in accepting and organizing volunteers under the act entitled "An Act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July twenty-two, eighteen hundred and sixty-one, may accept the service of such volunteers without previous proclamation, and in such numbers from any State or States as, in his discretion, the public service may require.

Volunteers under act 1861, ch. 9, how may be accepted by the President.

Ante, p. 269.

APPROVED, July 31, 1861.

CHAP. XXXV. — *An Act to increase the Consular Representation of the United States during the present Insurrection.*

August 2, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States may, by and with the advice and consent of the Senate, appoint consuls at any foreign ports where he shall deem it advisable, for the purpose of preventing piracy, with such compensation, not exceeding fifteen hundred dollars per annum, as he shall think proper; to hold their offices, respectively, during the pleasure of the President, and in every case such compensation to cease with the restoration of internal peace within the United States. And the President may, during the present insurrection, increase the compensation of any consuls in foreign ports, if he shall deem it necessary, so as not, however, to exceed the sum of fifteen hundred dollars in any case. But this power shall cease with the re-establishment of internal peace as aforesaid.

1862, ch. 17, § 1.  
Post, p. 336.

Consuls may be appointed for certain foreign ports.

Salary.

Pay of certain consuls may be increased.

Power, when to cease.

APPROVED, August 2, 1861.

CHAP. XXXVI. — *An Act to amend an Act entitled "An Act supplementary to the Act entitled 'An Act providing for a Naval Peace Establishment and for other Purposes,' passed March twenty-seventh, eighteen hundred and four."*

August 2, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the above entitled act be, and the same is hereby, amended by inserting after the word "captain," where the same first occurs in said act, the words "or commander," so that the President shall be authorized to select the superintendents of the several navy yards and heads of bureaus from the captains or commanders of the navy of the United States.

1804, ch. 53.  
Vol. ii. p. 297.  
1801, ch. 20.  
Vol. ii. p. 110.

Superintendents of navy yards and heads of bureaus may be taken from captains or commanders.

APPROVED, August 2, 1861.

CHAP. XXXVII. — *An Act concerning the Attorney-General and the Attorneys and Marshals of the several Districts.*

August 2, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Attorney-General of the United States be, and he is hereby, charged with the general superintendence and direction of the attorneys and marshals of all the districts in the United States and the Territories as to the manner of discharging their respective duties; and the said district-attorneys and marshals are hereby required to report to the Attorney-General an account of their official proceedings, and the state and condition of their respective offices, in such time and manner as the Attorney-General may direct.

1861, ch. 65.  
Post, p. 327.

Attorney-General to have superintendence of district-attorneys and marshals.

SEC. 2. *And be it further enacted*, That the Attorney-General be, and he is hereby, empowered, whenever in his opinion the public interest may require it, to employ and retain (in the name of the United States) such attorneys and counsellors-at-law as he may think necessary to assist the district-attorneys in the discharge of their duties, and shall stipulate with such assistant counsel the amount of compensation.

Attorney-General may employ counsel to aid district-attorneys.

Compensation.

Additional clerks.

SEC. 3. *And be it further enacted*, That the Attorney-General shall have power to increase the clerical force of his office to discharge the increased duties of the same, occasioned by this act, by appointing additional clerks, not exceeding two, and may fix their compensation at an annual salary not exceeding fourteen hundred dollars each per annum.

APPROVED, August 2, 1861.

August 3, 1861.

CHAP. XXXVIII. — *An Act to provide for the Construction of one or more armored Ships and Floating Batteries, and for other Purposes.*

Iron or steel-clad steamers may be built.

*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 directed to appoint a board of three skilful naval officers to investigate the plans and specifications that may be submitted for the construction or completing of iron or steel-clad steamships or steam-batteries, and on their report, should it be favorable, the Secretary of the Navy will cause one or more armored or iron or steel-clad steamships or floating steam-batteries to be built; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one million five hundred thousand dollars.

Appropriation.

Engineer-in-chief to be from the chief engineers

SEC. 2. *And be it further enacted*, That in case of a vacancy in the office of engineer-in-chief of the navy the appointment thereto shall be made from the list of chief engineers.

APPROVED, August 3, 1861.

August 3, 1861.

CHAP. XXXIX. — *An Act to amend "An Act to prohibit the sale of Spirituous Liquors and Intoxicating Drinks in the District of Columbia, in certain Cases."*

1861, ch. 44.  
Post, p. 291.  
Penalty for selling intoxicating liquors in the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever any person shall be convicted of the offence described in the act entitled "An Act to prohibit the sale of spirituous liquors and intoxicating drinks, in the District of Columbia, in certain cases," he shall be punished by a fine of twenty dollars or imprisonment in the jail of Washington county, in the District of Columbia, for the period of thirty days.

Post, p. 542.

APPROVED, August 3, 1861.

August 3, 1861.

CHAP. XL. — *An Act to provide for the Purchase of Arms, Ordnance, and Ordnance Stores.*

Purchase, &c., of arms, ordnance, and ordnance stores.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of ten millions of dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase and manufacture of arms, ordnance, and ordnance stores.

APPROVED, August 3, 1861.

August 3, 1861.

CHAP. XLI. — *An Act to suspend in part the Operation of an Act entitled "An Act relating to Revenue Cutters and Steamers."*

1845, ch. 78.  
Vol. v. p. 795.

Appropriation for collection of the revenue may be applied to charter or purchase of vessels for revenue service.

Proviso.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act of third March, eighteen hundred and forty-five, entitled "An Act relating to revenue cutters and steamers," be and the same is so far suspended as to allow the Secretary of the Treasury to apply so much of the appropriation for the collection of the revenue as he may deem expedient to the charter or purchase of vessels for the revenue service: *Provided*, That no liability shall be incurred for the purposes herein named, which, together with the expenses of collecting the revenue, shall exceed the appropriation already made for the latter object.

APPROVED, August 3, 1861.



CHAP. XLII. — *An Act providing for the better Organization of the Military Establishment.* August 3, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an officer in the War Department, to be called the Assistant Secretary of War, whose salary shall be three thousand dollars per annum, payable in the same manner as that of the Secretary of War, who shall perform all such duties in the office of the Secretary of War, belonging to that department, as shall be prescribed by the Secretary of War, or as may be required by law.

Assistant-Secretary of war.

Salary.

Duties.

SEC. 2. *And be it further enacted,* That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, in addition to the number authorized by existing laws and in accordance with existing regulations, five assistant inspector-generals, with the rank and pay of majors of cavalry, ten surgeons, and twenty assistant-surgeons, to have the pay, rank, and allowances, and perform the duties of similar officers in the present military establishment. That hereafter the Adjutant-General's department shall consist of the following officers, namely: One adjutant-general, with the rank, pay, and emoluments of a brigadier-general; one assistant adjutant-general, with the rank, pay, and emoluments of a colonel of cavalry; two assistant adjutant-generals, with the rank, pay, and emoluments each of a lieutenant-colonel of cavalry; four assistant adjutant-generals, with the rank, pay, and emoluments each of a major of cavalry; and twelve assistant adjutant-generals, with the rank, pay, and emoluments each of a captain of cavalry; and that there shall be added to the subsistence department four commissaries of subsistence, each with the rank, pay, and emoluments of a major of cavalry; and eight commissaries of subsistence, with the rank, pay, and emoluments each of a captain of cavalry, and to be taken from the line of the army, either of the volunteers or regular army.

Additional assistant inspector-generals, surgeons, and assistant-surgeons.

Adjutant-general's department, of whom to consist.

Subsistence department.

SEC. 3. *And be it further enacted,* That there shall be added to each of the corps of engineers and topographical engineers three first and three second lieutenants, to be promoted thereto in accordance with the existing laws and regulations. And there shall be added to the quartermaster's department one colonel, two lieutenant-colonels, four majors, and twenty captains, with the rank, pay, and allowances of officers of cavalry; and whenever any army captain of the quartermaster's department shall have served fourteen years' continuous service he shall be promoted to the rank of major; and that there shall be added to the quartermaster's department as many master wagoners, with the rank, pay, and allowances of sergeants of cavalry, and as many wagoners, with the pay and allowances of corporals of cavalry, as the military service, in the judgment of the President, may render necessary. And there shall be added to the ordnance department of the United States army, as now organized, one chief of ordnance, with the rank, pay, and emoluments of the quartermaster-general of the army; one colonel, one lieutenant-colonel, and six second lieutenants; the field officers to be appointed by selection from the officers of the army, and the second lieutenants from the graduates of the United States Military Academy, by transfers from the engineers, or the topographical engineers, or the artillery.

Engineers and topographical engineers.

Quartermaster's department.

Rule as to promotions.

Master wagoners, &c.

Ordnance department, increase of.

Appointments.

SEC. 4. *And be it further enacted,* That there shall be added to the corps of engineers three companies of engineer soldiers, to be commanded by appropriate officers of said corps, to have the same pay and rations, clothing, and other allowances, and be entitled to the same benefits, in every respect, as the company created by the act for the organization of a company of sappers and miners and pontoniers, approved May sixteen, eighteen hundred and forty-six. The said three companies shall be subject to the rules and articles of war; shall be recruited in the same manner and

Engineer soldiers.

Pay, &c.

1846, ch. 21, Vol. ix. p. 12.

- with the same limitations; shall be instructed in and perform the same duties, and be liable to serve in the same way, and shall have their vehicles, pontons, tools, implements, arms, and other supplies, regulated in the same manner as the existing engineer company; and each of the four companies of engineer soldiers shall hereafter be composed of ten sergeants, ten corporals, two musicians, sixty-four privates of the first class, or artificers, and sixty-four privates of the second class, in all one hundred and fifty men each.
- How composed.** SEC. 5. *And be it further enacted*, That there be added to the medical staff of the army a corps of medical cadets, whose duty it shall be to act as dressers in the general hospitals and as ambulance attendants in the field, under the direction and control of the medical officers alone. They shall have the same rank and pay as the military cadets at West Point. Their number shall be regulated by the exigencies of service, at no time to exceed fifty. It shall be composed of young men of liberal education, students of medicine, between the ages of eighteen and twenty-three, who have been reading medicine for two years, and have attended at least one course of lectures in a medical college. They shall enlist for one year, and be subject to the rules and articles of war. On the fifteenth day of the last month of their service, the near approach of their discharge shall be reported to the surgeon-general, in order, if desired, that they may be relieved by another detail of applicants.
- Medical cadets added to medical staff.**
- Rank, pay, number, qualifications, &c.** SEC. 6. *And be it further enacted*, That in general or permanent hospitals female nurses may be substituted for soldiers, when, in the opinion of the surgeon-general or medical officer in charge, it is expedient to do so; the number of female nurses to be indicated by the surgeon-general or surgeon in charge of the hospital. The nurses so employed to receive forty cents a day and one ration in kind, or by commutation, in lieu of all emoluments except transportation in kind.
- Female nurses.** SEC. 7. *And be it further enacted*, That one chaplain shall be allowed to each regiment of the army, to be selected and appointed as the President may direct: *Provided*, That none but regularly ordained ministers of some Christian denomination shall be eligible to selection or appointment.
- Chaplains. Ante, p. 270. Proviso. Post, p. 595.** SEC. 8. *And be it further enacted*, That no cadet, who has been or shall hereafter be reported as deficient, either in conduct or studies, and recommended to be discharged from the academy, shall be returned or reappointed, or appointed to any place in the army before his class shall have left the academy and received their commissions, unless upon the recommendation of the academic board of the academy: *Provided*, That all cadets now in the service, or hereafter entering the Military Academy at West Point, shall be called on to take and subscribe the following oath: "I, A. B., do solemnly swear that I will support the Constitution of the United States, and bear true allegiance to the National Government; that I will maintain and defend the sovereignty of the United States paramount to any and all allegiance, sovereignty, or fealty I may owe to any State, county, or country whatsoever; and that I will at all times obey the legal orders of my superior officers and the rules and articles governing the armies of the United States." And any cadet or candidate for admission who shall refuse to take this oath shall be dismissed from the service.
- Cadets reported deficient not to be reappointed.**
- All cadets to take the oath.** SEC. 9. *And be it further enacted*, That the three months' extra pay allowed by the twenty-ninth section of the act of the fifth of July, eighteen hundred and thirty-eight, for re-enlistments under certain conditions, the bounty granted by the third section of the act of the seventeenth of June, eighteen hundred and fifty, for enlistments at remote and distant stations, and the premium now paid for bringing accepted recruits to the rendezvous, be and they are hereby abolished.
- Form of Oath.**
- Effect of refusal to take oath.**
- Certain extra pay, bounty and premium abolished. 1838, ch. 162, § 29. Vol. v. p. 260. 1850, ch. 20, § 3. Vol. ix. p. 439. Post, p. 620.** SEC. 10. *And be it further enacted*, That hereafter two dollars per

month shall be retained out of the monthly pay of each enlisted man in the regular army until the expiration of his term of service, instead of one dollar per month, as authorized by existing laws.

\$2 a month to be retained out of pay.  
[Repealed, Post, p. 595.]

SEC. 11. *And be it further enacted*, That in all cases of enlistment and re-enlistment in the military service of the United States the prescribed oath of allegiance may be administered by any commissioned officer of the army.

Who may administer oath of allegiance to soldiers.

SEC. 12. *And be it further enacted*, That the two regiments of dragoons, the regiment of mounted riflemen, and the two regiments of cavalry, shall hereafter be known and recognized as the first, second, third, fourth, and fifth regiments of cavalry, respectively; the officers thereof to retain their present relative rank, and to be promoted as of one arm of service, according to existing law and established usage and regulation.

Dragoons, mounted riflemen, and cavalry, to be known as cavalry.  
Present officers to retain their rank.

SEC. 13. *And be it further enacted*, That the army ration shall be increased as follows, viz.: Twenty-two ounces of bread or flour, or one pound of hard bread, instead of the present issue; fresh beef shall be issued as often as the commanding-officer of any detachment or regiment shall require it, when practicable, in place of salt meat; beans and rice or hominy shall be issued in the same ration in the proportions now provided by the regulation, and one pound of potatoes per man shall be issued at least three times a week, if practicable; and when these articles cannot be issued in these proportions, an equivalent in value shall be issued in some other proper food, and a ration of tea may be substituted for a ration of coffee upon the requisition of the proper officer: *Provided*, That after the present insurrection shall cease, the ration shall be as provided by law and regulations on the first day of July, eighteen hundred and sixty-one.

Army ration, increase of.

Provido.

SEC. 14. *And be it further enacted*, That there may be allowed in hospitals, to be provided under such rules as the surgeon-general of the army, with the approval of the Secretary of War, may prescribe, such quantities of fresh or preserved fruits, milk or butter, and of eggs, as may be necessary for the proper diet of the sick.

Allowance to hospitals.

SEC. 15. *And be it further enacted*, That any commissioned officer of the army, or of the marine corps, who shall have served as such for forty consecutive years, may, upon his own application to the President of the United States, be placed upon the list of retired officers, with the pay and emoluments allowed by this act.

Certain commissioned officers of the army and marine corps may be retired, at their request.

SEC. 16. *And be it further enacted*, That if any commissioned officer of the army, or of the marine corps, shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired list and withdrawn from active service and command and from the line of promotion, with the following pay and emoluments, namely: the pay proper of the highest rank held by him at the time of his retirement, whether by staff or regimental commission, and four rations per day, and without any other pay, emoluments, or allowances; and the next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer: *Provided*, That should the brevet lieutenant-general be retired under this act, it shall be without reduction in his current pay, subsistence, or allowances: *And provided further*, That there shall not be on the retired list at any one time more than seven per centum of the whole number of officers of the army, as fixed by law.

Commissioned officers of the army and marine corps, if incapacitated, to be retired.

Pay.

Promotions.

Provido.

Brevet Lieutenant-General.

Limit of retired list.

SEC. 17. *And be it further enacted*, That, in order to carry out the provisions of this act, the Secretary of War, or Secretary of the Navy, as the case may be, under the direction and approval of the President of the United States, shall, from time to time, as occasion may require, assemble a board of not more than nine, nor less than five commissioned officers, two-fifths of whom shall be of the medical staff; the board, ex-

Secretary of War or Navy may assemble a board to determine the disabilities of officers.

Board, how composed, duties, report.

cept those taken from the medical staff, to be composed, as far as may be, of his seniors in rank, to determine the facts as to the nature and occasion of the disability of such officers as appear disabled to perform such military service, such board being hereby invested with the powers of a court of inquiry and court-martial, and their decision shall be subject to like revision as that of such courts by the President of the United States. The board, whenever it finds an officer incapacitated for active service, will report whether, in its judgment, the said incapacity result from long and faithful service, from wounds or injury received in the line of duty, from sickness or exposure therein, or from any other incident of service. If so, and the President approve such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act. If otherwise, and if the President concur in opinion with the board, the officer shall be retired as above, either with his pay proper alone, or with his service rations alone, at the discretion of the President, or he shall be wholly retired from the service, with one year's pay and allowances; and in this last case his name shall be thenceforward omitted from the army register, or navy register, as the case may be: *Provided always*, That the members of the board shall in every case be sworn to an honest and impartial discharge of their duties, and that no officer of the army shall be retired either partially or wholly from the service without having had a fair and full hearing before the board, if, upon due summons, he shall demand it.

Effect of decision when approved.

Members of board to be sworn.  
Army officers to have a hearing.

Officers partially retired.

SEC. 18. *And be it further enacted*, That the officers partially retired shall be entitled to wear the uniform of their respective grades, shall continue to be borne upon the army register, or navy register, as the case may be, and shall be subject to the rules and articles of war, and to trial by general court-martial for any breach of the said articles.

Act allowing certain double rations repealed. 1842, ch. 186, § 6. Vol. v. p. 513.

Army officers absent from duty over six months, not to have certain allowances.

SEC. 19. *And be it further enacted*, That so much of the sixth section of the act of August twenty-three, eighteen hundred and forty-two, as allows additional or double rations to the commandant of each permanent or fixed post garrisoned with troops, be and the same is hereby repealed.

Certain navy officers may be retired at their request.

Pay, &c.

SEC. 20. *And be it further enacted*, That officers of the army, when absent from their appropriate duties for a period exceeding six months, either with or without leave, shall not receive the allowances authorized by the existing laws for servants, forage, transportation of baggage, fuel, and quarters, either in kind or in commutation.

Retired list for navy officers.

Pay, &c.

SEC. 21. *And be it further enacted*, That any officer of the navy who has been forty years in the service of the United States may, upon his own application to the President of the United States, be placed upon the list of retired officers of the navy, and shall receive the pay and emoluments allowed by this act.

SEC. 22. *And be it further enacted*, That if any officer of the navy shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired list and withdrawn from active service and command and from the line of promotion, with the following pay and emoluments, namely:

- Captains in the navy, thirteen hundred dollars;
- Commanders in the navy, eleven hundred dollars;
- Lieutenants in the navy, one thousand dollars;
- Surgeons ranking with captains, thirteen hundred dollars;
- Surgeons ranking with commanders, eleven hundred dollars;
- Surgeons ranking with lieutenants, one thousand dollars;
- Paymasters ranking with captains, thirteen hundred dollars;
- Paymasters ranking with commanders, eleven hundred dollars;
- Paymasters ranking with lieutenants, one thousand dollars;
- Chief engineers, one thousand dollars;
- First assistant engineers, seven hundred dollars;
- Second assistant engineers, five hundred dollars;

Third assistant engineers, four hundred dollars ;  
Masters, four hundred dollars ;

Passed midshipmen, three hundred and fifty dollars ; and with four rations per day to each of the above-named officers of the navy, to be commuted at thirty cents, each ration, and without any other pay or allowances. Captains, commanders, and lieutenants now on the retired list of the navy shall receive the same compensation and no greater than is allowed to retired officers of the same rank by the provisions of this act. The next officer in rank shall be promoted to the place of the retired officer, according to the established rules of the service. And the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer.

Rations.  
Commutation.  
Promotions.

SEC. 23. *And be it further enacted*, That whenever any officer of the navy, on being ordered to perform the duties appropriate to his commission, shall report himself unable to comply with such order, or whenever, in the judgment of the President of the United States, an officer of the navy shall be in any way incapacitated from performing the duties of his office, the President, at his discretion, shall direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine, and not less than five, commissioned officers, two-fifths of whom shall be members of the medical bureau of the navy ; the board, except those taken from the medical bureau, to be composed, if possible, (as far as may be,) of his seniors in rank. The determination of the board in each case shall, with a record of its proceedings, be transmitted to the Secretary of the Navy, to be laid before the President for his approval or disapproval, and orders in the case. The board, whenever it finds an officer incapacitated for active service, will report whether, in its judgment, the incapacity result from long and faithful service, from wounds or injury received in the line of duty, from sickness or exposure therein, or from any other incident of service ; if so, and the President approve of such judgment, the disabled officer shall thereupon be placed upon the list of retired officers, according to the provisions of this act. But if such disability or incompetency proceeded from other causes, and the President concur in opinion with the board, the officer may be retired upon furlough pay, or he shall be wholly retired from the service, with one year's pay, at the discretion of the President ; and in this last case his name shall be wholly omitted from the navy register. The members of the board shall, in every case, be sworn to an honest and impartial discharge of their duties, and no officer of the navy shall be retired, either partially or wholly, from the service without having had a fair and full hearing before the board, if he shall demand it.

Board to decide the incapacity of navy officers.  
How composed ; duty.  
Report.  
Effect of decision when approved.  
Members to be sworn.  
Officers may be heard.

SEC. 24. *And be it further enacted*, That the retired officers shall be entitled to wear the uniform of their respective grades, shall continue to be borne upon the navy register, shall be subject to the rules and articles governing the navy, and to trial by general court-martial.

Privileges and liabilities of retired officers.

SEC. 25. *And be it further enacted*, That retired officers of the army, navy, and marine corps may be assigned to such duties as the President may deem them capable of performing, and such as the exigencies of the public service may require.

Duty may be assigned retired officers.

APPROVED, August 3, 1861.

CHAP. XLIV. — *An Act to prohibit the Sale of Spirituous Liquors and Intoxicating Drinks in the District of Columbia, in certain Cases.*

August 5, 1861.  
1862, ch. 168.  
Post, p. 571.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall not be lawful for any person in the District of Columbia to sell, give, or administer to any soldier or volunteer in the service of the United States, or any person wearing the uniform of such soldier or volunteer, any spirituous liquor or

Sale of spirituous liquors, &c., in District of Columbia, to soldiers, forbidden.

1861, ch. 39.  
*Ante*, p. 286.  
*Post*, p. 542.  
 Penalty.

intoxicating drink ; and every person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, before a magistrate or court having criminal jurisdiction, shall be punished by a fine of twenty-five dollars or imprisonment for thirty days.

APPROVED, August 5, 1861.

August 5, 1861. CHAP. XLV.—*An Act to provide increased Revenue from Imports, to pay Interest on the Public Debt, and for other Purposes.*

1862, ch. 163.  
*Post*, p. 543.

Specific duties  
 on certain im-  
 ports.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, from and after the date of the passage of this act, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid, on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty, that is to say : First, On raw sugar, commonly called muscovado or brown sugar, and on sugars not advanced above number twelve, Dutch standard, by claying, boiling, clarifying, or other process, and on sirup of sugar or of sugar-cane and concentrated molasses, or concentrated melado, two cents per pound ; and on white and clayed sugar, when advanced beyond the raw state, above number twelve, Dutch standard, by clarifying or other process, and not yet refined, two and a half cents per pound ; on refined sugars, whether loaf, lump, crushed, or pulverized, four cents per pound ; on sugars after being refined, when they are tintured, colored, or in any way adulterated, and on sugar-candy, six cents per pound ; on molasses, five cents per gallon :

Sugar.

Sirups of sugar,  
 &c., entered as  
 molasses, to be  
 forfeited.

Teas.  
 Almonds, &c.

*Provided,* That all sirups of sugar or of sugar-cane, concentrated molasses or melado, entered under the name of molasses, or any other name than sirup of sugar or of sugar-cane, concentrated molasses, or concentrated melado, shall be liable to forfeiture to the United States. On all teas, fifteen cents per pound ; on almonds, four cents per pound : shelled almonds, six cents per pound ; on brimstone, crude, three dollars per ton ; on brimstone, in rolls, six dollars per ton ; on coffee, of all kinds, four cents per pound ; on cocoa, three cents per pound ; on cocoa leaves and cocoa shells, two cents per pound ; on cocoa, prepared or manufactured, eight cents per pound ; on chicory root, one cent per pound ; and on chicory ground, two cents per pound ; on chocolate, six cents per pound ; on cassia, ten cents per pound ; cassia buds, fifteen cents per pound ; on cinnamon, twenty cents per pound ; on cloves, eight cents per pound ; on cayenne pepper, six cents per pound ; on cayenne pepper, ground, eight cents per pound ; on currants, five cents per pound ; on argol, three cents per pound ; on cream tartar, six cents per pound ; on tartaric acid, tartar emetic, and rochelle salts, ten cents per pound ; on dates, two cents per pound ; on figs, five cents per pound ; on ginger root, three cents per pound ; on ginger, ground, five cents per pound ; on liquorice paste and juice, five cents per pound ; liquorice root, one cent per pound ; on mace and nutmegs, twenty-five cents per pound ; on nuts of all kinds, not otherwise provided for, two cents per pound ; on pepper, six cents per pound ; on pimento, six cents per pound ; on plums, five cents per pound ; on prunes, five cents per pound ; on raisins, five cents per pound ; on unmanufactured Russia hemp, forty dollars per ton ; on Manilla and other hemsps of India, twenty-five dollars per ton ; on lead, in pigs or bars, one dollar and fifty cents per one hundred pounds ; in sheets, two dollars and twenty-five cents per one hundred pounds ; on white lead, dry or ground in oil, and red lead, two dollars and twenty-five cents per one hundred pounds ; on salt, in sacks, eighteen cents per one hundred pounds, and in bulk, twelve cents per one hundred pounds ; on soda ash, one-half cent per pound ; on bicarbonate of soda, one cent per pound ; on sal soda, one-half cent per pound ; on caustic soda, one cent per pound ; on chloride of

lime, thirty cents per one hundred pounds; on saltpetre, crude, one cent per pound: refined, or partially refined, two cents per pound; spirits of turpentine, ten cents per gallon; on oil of cloves, seventy cents per pound; on brandy, one dollar and twenty-five cents per gallon; on spirits distilled from grain, or other materials, fifty cents per gallon; on gum copal, and other gums or resinous substances used for the same or similar purposes as gum copal, ten cents per pound.

SEC. 2. *And be it further enacted*, That, from and after the day and year aforesaid, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties, that is to say: On arrow-root, twenty per centum ad valorem; on ginger, preserved or pickled, thirty per centum ad valorem; on limes, lemons, oranges, bananas, and plantains, twenty per centum ad valorem; on Peruvian bark, fifteen per centum ad valorem; on quinine, thirty per centum ad valorem; on rags, of whatever material, ten per centum ad valorem; on gunpowder, thirty per centum ad valorem; on feathers and downs, thirty per centum ad valorem; on hides, ten per centum ad valorem; on sole and bend leather, thirty per centum ad valorem; on I[n]dia rubber, raw or unmanufactured, ten per centum ad valorem; on I[n]dia-rubber shoes and boots, thirty per centum ad valorem; on ivory, unmanufactured, and on vegetable ivory, ten per centum ad valorem; on wines of all kinds, fifty per centum ad valorem; on silk in the gum, not more advanced in the manufacture than single tram and thrown or organzine, twenty-five per centum ad valorem; on all silks valued at not over one dollar per square yard, thirty per centum ad valorem; on all silks valued over one dollar per square yard, forty per centum ad valorem; on all silk velvets or velvets of which silk is the component material of chief value, valued at three dollars per square yard, or under, thirty per centum ad valorem; valued at over three dollars per square yard, forty per centum ad valorem; on floss silks, thirty per centum ad valorem; on silk ribbons, galloons, braids, fringes, laces, tassels, buttons, button-cloths, trimmings, and on silk twist, twist composed of mohair and silk, sewing silk in gum or purified, and all other manufactures of silk, or of which silk shall be the component material of chief value, not otherwise provided for, forty per centum ad valorem.

Ad valorem duties on certain imports.

SEC. 3. *And be it further enacted*, That all articles, goods, wares, and merchandise, imported from beyond the Cape of Good Hope in foreign vessels, not entitled by reciprocal treaties to be exempt from discriminating duties, tonnage, and other charges, and all other articles, goods, wares, and merchandise not imported direct from the place of their growth or production, or in foreign vessels, entitled by reciprocal treaties to be exempt from discriminating duties, tonnage, and other charges, shall be subject to pay, in addition to the duties imposed by this act, ten per centum ad valorem: *Provided*, That this rule shall not apply to goods, wares, and merchandise imported from beyond the Cape of Good Hope in American vessels.

Certain articles imported in foreign vessels to pay certain additional duty.

Proviso.

SEC. 4. *And be it further enacted*, That, from and after the passage of this act, there shall be allowed, on all articles wholly manufactured of materials imported, on which duties have been paid when exported, a drawback, equal in amount to the duty paid on such materials and no more, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury: *Provided*, That ten per centum on the amount of all drawbacks, so allowed, shall be retained for the use of the United States by the collectors paying such drawbacks, respectively.

Drawback on certain articles. Rules.

10 per cent. to be retained.

SEC. 5. *And be it further enacted*, That all goods, wares, and merchandise, actually on shipboard and bound to the United States, and all goods, wares, and merchandise, on deposit in warehouses or public stores at the date of the passage of this act, shall be subject to pay such duties as provided by law before and at the time of the passage of this act: *Provided*,

Certain goods on shipboard and all goods in warehouses, &c., to pay former rate of duties.

Duties on bonded goods to be paid in three months, if, &c.

Proviso.

Further proviso.

[Repealed, 1862, ch. 163, § 21. Post, p. 560.

Amendments of act 1861, ch. 68, §§ 6, 7, 12, 13, 14, 15, 19, 22, 23. Ante, p. 178.

That all goods deposited in public store or bonded warehouse after this act takes effect and goes into operation, if designed for consumption in the United States, must be withdrawn therefrom, or the duties thereon paid in three months after the same are deposited, and goods designed for exportation and consumption in foreign countries may be withdrawn by the owner at any time before the expiration of three years after the same are deposited, such goods, if not withdrawn in three years, to be regarded as abandoned to the government, and sold under such regulations as the Secretary of the Treasury may prescribe, and the proceeds paid into the Treasury: *Provided*, That merchandise upon which the owner may have neglected to pay duties within three months from the time of its deposit may be withdrawn and entered for consumption at any time within two years of the time of its deposit upon the payment of the legal duties, with an addition of twenty-five per centum thereto: *Provided, also*, That merchandise upon which duties have been paid, if exported to a foreign country, within three years, shall be entitled to return duties, proper evidence of such merchandise having been landed abroad to be furnished to the collector by the importer, one per centum of said duties to be retained by the government.

SEC. 6. *And be it further enacted*, That the act entitled "An Act to provide for the payment of outstanding treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes," approved March two, eighteen hundred and sixty-one, be, and the same is hereby amended, as follows—that is to say, First, in section six, article first, after the words "in cordials and," strike out "liquors," and insert "liqueurs;" Second, in the same section, after the word "represent," insert "*Provided, also*, That no lower rate or amount of duty shall be levied, collected, and paid on brandy, spirits, and all other spirituous beverages, than that now fixed by law for the description of first proof, but shall be increased in proportion for any greater strength than the strength of first proof;" Third, in section seven, clause fifth, the words "on screws, washed or plated, and all other screws, of iron or any other metal," shall be stricken out, and the words "on screws, of any other metal than iron," shall be inserted; Fourth, section twelve, article first, after the words "eighteen cents," where they first occur, insert "or less;" Fifth, section thirteen, article second, after the word "manufacturer," insert "except hosiery;" Sixth, in the same section, article third, strike out "wool," wherever it occurs, and insert in each place "worsted;" Seventh, in section fourteen, article first, after the words "ten per centum," insert "ad valorem;" Eighth, in section fifteen, before the word "yarns" insert "hemp;" in the same section, after the word "sheetings," insert "of flax or hemp;" and strike out "jute goods," and in lieu thereof insert "jute yarns;" Ninth, in section twenty-two, strike out the words "unwrought clay, three dollars per ton;" Tenth, in section nineteen, strike out "compositions of glass or paste, not set, intended for use by jewellers;" Eleventh, in section twenty-two, strike out "compositions of glass or paste, when set;" Twelfth, in section twenty-three, article sheathing metal, strike out "yard" and insert "foot."

SEC. 7. *And be it further enacted*, That all acts and parts of acts repugnant to the provisions of this act be, and the same are hereby, repealed; *Provided*, That the existing laws shall extend to, and be in force for, the collection of the duties imposed by this act, for the prosecution and punishment of all offences, and for the recovery, collection, distribution, and remission of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing to that effect in the existing laws contained, had been inserted in and re-enacted by this act.

SEC. 8. *And be it further enacted*, That a direct tax of twenty millions of dollars be and is hereby annually laid upon the United States, and the

Repealing clause.

Saving as to laws for collection, &c.

Direct tax of \$20,000,000, how apportioned.



same shall be and is hereby apportioned to the States, respectively, in manner following :	1862. ch. 98. Post, p. 422.
To the State of Maine, four hundred and twenty thousand eight hundred and twenty-six dollars.	1862, ch. 119, Post, p. 489. Maine.
To the State of New Hampshire, two hundred and eighteen thousand four hundred and six and two-third dollars.	New Hampshire.
To the State of Vermont, two hundred and eleven thousand and sixty-eight dollars.	Vermont.
To the State of Massachusetts, eight hundred and twenty-four thousand five hundred and eighty-one and one-third dollars.	Massachusetts.
To the State of Rhode Island, one hundred and sixteen thousand nine hundred and sixty-three and two-third dollars.	Rhode Island
To the State of Connecticut, three hundred and eight thousand two hundred and fourteen dollars.	Connecticut.
To the State of New York, two million six hundred and three thousand nine hundred and eighteen and two-third dollars.	New York.
To the State of New Jersey, four hundred and fifty thousand one hundred and thirty-four dollars.	New Jersey.
To the State of Pennsylvania, one million nine hundred and forty-six thousand seven hundred nineteen and one-third dollars.	Pennsylvania.
To the State of Delaware, seventy-four thousand six hundred and eighty-three and one-third dollars.	Delaware.
To the State of Maryland, four hundred and thirty-six thousand eight hundred and twenty-three and one-third dollars.	Maryland.
To the State of Virginia, nine hundred and thirty-seven thousand five hundred and fifty and two-third dollars.	Virginia.
To the State of North Carolina, five hundred and seventy-six thousand one hundred and ninety-four and two-third dollars.	North Carolina.
To the State of South Carolina, three hundred and sixty-three thousand five hundred and seventy and two-third dollars.	South Carolina.
To the State of Georgia, five hundred and eighty-four thousand three hundred and sixty-seven and one-third dollars.	Georgia.
To the State of Alabama, five hundred and twenty-nine thousand three hundred and thirteen and one-third dollars.	Alabama.
To the State of Mississippi, four hundred and thirteen thousand eighty-four and two-third dollars.	Mississippi.
To the State of Louisiana, three hundred and eighty-five thousand eight hundred and eighty-six and two-third dollars.	Louisiana.
To the State of Ohio, one million five hundred and sixty-seven thousand eighty-nine and one-third dollars.	Ohio.
To the State of Kentucky, seven hundred and thirteen thousand six hundred and ninety-five and one-third dollars.	Kentucky.
To the State of Tennessee, six hundred and sixty-nine thousand four hundred and ninety-eight dollars.	Tennessee.
To the State of Indiana, nine hundred and four thousand eight hundred and seventy-five and one-third dollars.	Indiana.
To the State of Illinois, one million one hundred and forty-six thousand five hundred and fifty-one and one-third dollars.	Illinois.
To the State of Missouri, seven hundred and sixty-one thousand one hundred and twenty-seven and one-third dollars.	Missouri. Post, p. 600.
To the State of Kansas, seventy-one thousand seven hundred and forty-three and one-third dollars.	Kansas.
To the State of Arkansas, two hundred and sixty-one thousand eight hundred and eighty-six dollars.	Arkansas.
To the State of Michigan, five hundred and one thousand seven hundred and sixty-three and one-third dollars.	Michigan.
To the State of Florida, seventy-seven thousand five hundred and twenty-two and two-third dollars.	Florida.

Texas.	To the State of Texas, three hundred and fifty-five thousand one hundred and six and two-third dollars.
Iowa.	To the State of Iowa, four hundred and fifty-two thousand and eighty-eight dollars.
Wisconsin.	To the State of Wisconsin, five hundred and nineteen thousand six hundred and eighty-eight and two-third dollars.
California.	To the State of California, two hundred and fifty-four thousand five hundred and thirty-eight and two-third dollars.
Minnesota.	To the State of Minnesota, one hundred and eight thousand five hundred and twenty-four dollars.
Oregon.	To the State of Oregon, thirty-five thousand one hundred and forty and two-third dollars.
New Mexico. Post, p. 489.	To the Territory of New Mexico, sixty-two thousand six hundred and forty-eight dollars.
Utah.	To the Territory of Utah, twenty-six thousand nine hundred and eighty-two dollars.
Washington.	To the Territory of Washington, seven thousand seven hundred and fifty-five and one-third dollars.
Nebraska.	To the Territory of Nebraska, nineteen thousand three hundred and twelve dollars.
Nevada:	To the Territory of Nevada, four thousand five hundred and ninety-two and two-third dollars.
Colorado.	To the Territory of Colorado, twenty-two thousand nine hundred and five and one-third dollars.
Dakota.	To the Territory of Dakota, three thousand two hundred and forty-one and one-third dollars.
District of Columbia.	To the District of Columbia, forty-nine thousand four hundred and thirty-seven and one-third dollars.

Collection districts for assessing and collecting the tax.

Assessors and collectors.

Proviso.

Assessors and collectors not to be appointed before, &c.

Collectors to give bond before entering upon duty.

Amount, and sureties, &c.

Collection district to be divided into assessment districts.

Assistant assessors.

SEC. 9. *And be it further enacted*, That, for the purpose of assessing the above tax and collecting the same, the President of the United States be, and he is hereby authorized, to divide, respectively, the States and Territories of the United States and the District of Columbia into convenient collection districts, and to nominate and, by and with the advice of the Senate, to appoint an assessor and a collector for each such district, who shall be freeholders and resident within the same: *Provided*, That any of said States and Territories, as well as the District of Columbia, may, if the President shall deem it proper, be erected into one district: *And, provided further*, That the appointment of said assessors and collectors, or any of them, shall not be made until on or after the second Tuesday in February, one thousand eight hundred and sixty-two.

SEC. 10. *And be it further enacted*, That before any such collector shall enter upon the duties of his office he shall execute a bond for such amount as shall be prescribed by the Secretary of the Treasury, with sureties to be approved as sufficient by the Solicitor of the Treasury, containing the condition that said collector shall justly and faithfully account for to the United States, and pay over, in compliance with the order or regulations of the Secretary of the Treasury, all public moneys which may come into his hands or possession; which bond shall be filed in the office of the First Comptroller of the Treasury, to be by him directed to be put in suit upon any breach of the condition thereof. And such collectors shall, from time to time, renew, strengthen, and increase their official bonds, as the Secretary of the Treasury may direct.

SEC. 11. *And be it further enacted*, That each of the assessors shall divide his district into a convenient number of assessment districts, within each of which he shall appoint one respectable freeholder to be assistant assessor; and each assessor and assistant assessor so appointed, and accepting the appointment, shall, before he enters on the duties of his appointment, take and subscribe, before some competent magistrate, or some collector, to be appointed by this act, (who is hereby empowered to ad-

minister the same,) the following oath or affirmation, to wit: "I, A. B., do swear, or affirm, (as the case may be,) that I will, to the best of my knowledge, skill, and judgment, diligently and faithfully execute the office and duties of assessor for, (naming the assessment district,) without favor or partiality, and that I will do equal right and justice in every case in which I shall act as assessor." And a certificate of such oath or affirmation shall be delivered to the collector of the district for which such assessor or assistant assessor shall be appointed. And every assessor or assistant assessor acting in the said office without having taken the said oath or affirmation shall forfeit and pay one hundred dollars, one moiety thereof to the use of the United States, and the other moiety thereof to him who shall first sue for the same; to be recovered, with costs of suit, in any court having competent jurisdiction.

Oath.

Certificate.

Penalty for acting without oath.

SEC. 12. *And be it further enacted*, That the Secretary of the Treasury shall establish regulations suitable and necessary for carrying this act into effect; which regulations shall be binding on each assessor and his assistants in the performance of the duties enjoined by or under this act, and shall also frame instructions for the said assessors and their assistants; pursuant to which instructions the said assessors shall, on the first day of March next, direct and cause the several assistant assessors in the district to inquire after and concerning all lands, lots of ground, with their improvements, buildings, and dwelling-houses, made liable to taxation under this act by reference as well to any lists of assessment or collection taken under the laws of the respective States, as to any other records or documents, and by all other lawful ways and means, and to value and enumerate the said objects of taxation in the manner prescribed by this act, and in conformity with the regulations and instructions above mentioned.

Secretary of Treasury to establish regulations under this act, and frame instructions.

Assessors and assistants to follow them.

SEC. 13. *And be it further enacted*, That the said direct tax laid by this act shall be assessed and laid on the value of all lands and lots of ground, with their improvements and dwelling-houses, which several articles subject to taxation shall be enumerated and valued, by the respective assessors, at the rate each of them is worth in money on the first day of April, eighteen hundred and sixty-two: *Provided, however*, That all property, of whatever kind, coming within any of the foregoing descriptions, and belonging to the United States or any State, or permanently or specially exempted from taxation by the laws of the State wherein the same may be situated at the time of the passage of this act, together with such property belonging to any individual, who actually resides thereon, as shall be worth the sum of five hundred dollars, shall be exempted from the aforesaid enumeration and valuation, and from the direct tax aforesaid: *And provided further*, That in making such assessment due regard shall be had to any valuation that may have been made under the authority of the State or Territory at any period nearest to said first day of April.

Direct tax.

Real estate. Valuation to be as of April 1, 1862.

1862, ch. 98, § 15. *Post*, p. 426.

Exemptions.

SEC. 14. *And be it further enacted*, That the respective assistant assessors shall, immediately after being required as aforesaid by the assessors, proceed through every part of their respective districts, and shall require all persons owning, possessing, or having the care or management of any lands, lots of ground, buildings, or dwelling-houses, lying and being within the collection district where they reside, and liable to a direct tax as aforesaid, to deliver written lists of the same; which lists shall be made in such manner as may be directed by the assessor, and, as far as practicable, conformably to those which may be required for the same purpose under the authority of the respective States.

Property owners to furnish lists upon request.

SEC. 15. *And be it further enacted*, That if any person owning, possessing, or having the care or management of property liable to a direct tax, as aforesaid, shall not be prepared to exhibit a written list when required, as aforesaid, and shall consent to disclose the particulars of any

If owner has no list and will disclose, officer to make list.

and all the lands and lots of ground, with their improvements, buildings, and dwelling-houses, taxable as aforesaid, then, and in that case, it shall be the duty of the officer to make such list, which, being distinctly read and consented to, shall be received as the list of such person.

Penalty for delivering or disclosing fraudulent list.

SEC. 16. *And be it further enacted*, That if any such person shall deliver or disclose to any assessor or assistant assessor appointed in pursuance of this act, and requiring a list or lists, as aforesaid, any false or fraudulent list, with intent to defeat or evade the valuation or enumeration hereby intended to be made, such person, so offending, and being thereof convicted before any court having competent jurisdiction, shall be fined in a sum not exceeding five hundred dollars, at the discretion of the court, and shall pay all costs and charges of prosecution; and the valuation and enumeration required by this act shall, in all such cases, be made, as aforesaid, upon lists, according to the form above described, to be made out by the assessors and assistant assessors, respectively; which lists the said assessors are hereby authorized and required to make according to the best information they can obtain, and for the purpose of making which they are hereby authorized to enter into and upon all and singular the premises, respectively; and from the valuation and enumeration so made there shall be no appeal.

Lists, how to be made in such cases.

No appeal from valuation, &c.

Notice to owner to furnish list in certain cases.

SEC. 17. *And be it further enacted*, That in case any person shall be absent from his place of residence at the time an assessor shall call to receive the list of such person, it shall be the duty of such assessor or assistant assessor to leave at the house or place of residence of such person, with some person of suitable age and discretion, a written note or memorandum requiring him to present to such assessor the list or lists required by this act within ten days from the date of such note or memorandum.

Proceedings when list is not given upon notice or request.

SEC. 18. *And be it further enacted*, That if any person, on being notified or required as aforesaid, shall refuse or neglect to give such list or lists as aforesaid within the time required by this act, it shall be the duty of the assessor for the assessment district within which such person shall reside, and he is hereby authorized and required, to enter into and upon the lands, buildings, dwelling-houses, and premises, if it be necessary, of such persons so refusing or neglecting, and to make, according to the best information which he can obtain, and on his own view and information, such lists of the lands and lots of ground, with their improvements, buildings, and dwelling-houses, owned or possessed, or under the care or management of such person, as are required by this act; which lists so made and subscribed by such assessor shall be taken and reputed as good and sufficient lists of the persons and property for which such person is to be taxed for the purposes of this act.

Property of absent owners, list how made.

SEC. 19. *And be it further enacted*, That whenever there shall be in any assessment district any property, lands, and lots of ground, buildings, or dwelling-houses, not owned or possessed by, or under the care and management of, any person or persons within such district, and liable to be taxed as aforesaid, and no list of which shall be transmitted to the assessor in the manner provided by this act, it shall be the duty of the assessor for such district, and he is hereby authorized and required, to enter into and upon the real estate, if it be necessary, and take such view thereof, and make lists of the same, according to the form prescribed, which lists, being subscribed by the said assessor, shall be taken and reputed as good and sufficient lists of such property, under and for the purposes of this act.

Lists how made of property in another collection district.

SEC. 20. *And be it further enacted*, That the owners, possessors, or persons having the care or management of lands, lots of ground, buildings, and dwelling-houses, not lying or being within the assessment district in which they reside, shall be permitted to make out and deliver the lists thereof required by this act, (provided the assessment district in

which the said objects of taxation lie or be is therein distinctly stated,) at the time and in the manner prescribed, to the assessor of the assessment district wherein such persons reside. And it shall be the duty of the assessors, in all such cases, to transmit such lists, at the time and in the manner prescribed for the transmission of the lists of the objects of taxation lying and being within their respective assessment districts, to the assessor of the collection district wherein the said objects of taxation shall lie or be immediately after the receipt thereof; and the said lists shall be valid and sufficient for the purposes of this act; and on the delivery of every such list, the person making and delivering the same shall pay to the assessor one dollar, which he shall retain to his own use.

SEC. 21. *And be it further enacted,* That the lists aforesaid shall be taken with reference to the day fixed for that purpose by this act, as aforesaid; and the assistant assessors, respectively, after collecting the said lists, shall proceed to arrange the same, and to make two general lists; the first of which shall exhibit, in alphabetical order, the names of all persons liable to pay a tax under this act residing within the assessment district, together with the value and assessment of the objects liable to taxation within such district for which each such person is liable, and, whenever so required by the assessor, the amount of direct tax payable by each person on such objects under the State laws imposing direct taxes; and the second list shall exhibit, in alphabetical order, the names of all persons residing out of the collection district, owners of property within the district, together with the value and assessment thereof, with the amount of direct tax payable thereon as aforesaid. The forms of the said general list shall be devised and prescribed by the assessor, and lists taken according to such form shall be made out by the assistant assessors and delivered to the assessor within sixty days after the day fixed by this act, as aforesaid, requiring lists from individuals. And if any assistant assessor shall fail to perform any duty assigned by this act within the time prescribed by his precept, warrant, or other legal instructions, not being prevented therefrom by sickness or other unavoidable accident, every such assistant assessor shall be discharged from office, and shall, moreover, forfeit and pay two hundred dollars, to be recovered for the use of the United States in any court having competent jurisdiction, with costs of suit.

Lists to be taken in reference to a day certain.

List of residents,

of non-residents.

Assessor to devise form of lists.

Penalty on assistant assessor for neglect of duty.

SEC. 22. *And be it further enacted,* That immediately after the valuations and enumerations shall have been completed as aforesaid, the assessor in each collection district shall, by advertisement in some public newspaper, if any there be in such district, and by written notifications to be publicly posted up in at least four of the most public places in each collection district, advertise all persons concerned of the place where the said lists, valuations, and enumerations may be seen and examined; and that during twenty-five days after the publication of the notifications, as aforesaid, appeals will be received and determined by him relative to any erroneous or excessive valuations or enumerations by the assessor. And it shall be the duty of the assessor in each collection district, during twenty-five days after the date of publication to be made as aforesaid, to submit the proceedings of the assistant assessors and the list by them received or taken as aforesaid to the inspection of any and all persons who shall apply for that purpose; and the said assessors are hereby authorized to receive, hear, and determine, in a summary way, according to law and right, upon any and all appeals which may be exhibited against the proceedings of the said assessors: *Provided always,* That it shall be the duty of said assessor to advertise and attend, not less than two successive days of the said twenty-five, at the court-house of each county within his collection district, there to receive and determine upon the appeals aforesaid: *And provided also,* That the question to be determined by the assessor, on

Notice to be given when lists, valuations, &c., are completed.

Assessors to submit proceedings of assistants to inspection, &c.

to hear and determine appeals.

How valuations are to be determined.

Appeals to be in writing, what to contain.

Valuations may be re-examined and equalized, not to be increased without notice, &c.

If more than one collection district in a State, &c., the assessors may equalize, &c.

Assessors to make out lists of valuations and deliver to board of assessors.

Board, how constituted.

Board of assessors to appoint clerks.

Number and duty of clerks.

Penalty for acting without taking oath.

Duty of clerks.

Penalty on assessor for not attending general meeting of board, for failing to furnish lists.

an appeal respecting the valuation of property, shall be, whether the valuation complained of be or be not in a just relation or proportion to other valuations in the same collection district. And all appeals to the assessors, as aforesaid, shall be made in writing, and shall specify the particular cause, matter, or thing respecting which a decision is requested; and shall, moreover, state the ground or principle of inequality or error complained of. And the assessor shall have power to re-examine and equalize the valuations as shall appear just and equitable; but no valuation shall be increased without a previous notice, of at least five days, to the party interested, to appear and object to the same, if he judge proper; which notice shall be given by a note in writing, to be left at the dwelling-house of the party by such assessor or an assistant assessor.

SEC. 23. *And be it further enacted*, That whenever a State, Territory, or the District of Columbia shall contain more than one collection district, the assessors shall have power, on examination of the lists rendered by the assistant assessors, according to the provisions of this act, to revise, adjust, and equalize the valuation of lands and lots of ground, with their improvements, buildings, and dwelling-houses, between such collection districts, by deducting from or adding to either such a rate per centum as shall appear just and equitable.

SEC. 24. *And be it further enacted*, That the assessors shall, immediately after the expiration of the time for hearing and deciding appeals, make out correct lists of the valuation and enumeration in each collection district, and deliver the same to the board of assessors hereinafter constituted in and for the States respectively. And it shall be the duty of the assessors in each State to convene in general meeting at such time and place as shall be appointed and directed by the Secretary of the Treasury. And the said assessors, or a majority of them, so convened, shall constitute, and they are hereby constituted, a board of assessors for the purposes of this act, and shall make and establish such rules and regulations as to them shall appear necessary for carrying such purposes into effect, not being inconsistent with this act or the laws of the United States.

SEC. 25. *And be it further enacted*, That the said board of assessors, convened and organized as aforesaid, shall, and may, appoint a suitable person or persons to be their clerk or clerks, but not more than one for each collection district, who shall hold his or their office or offices at the pleasure of said board of assessors, and whose duty it shall be to receive, record, and preserve all tax lists, returns, and other documents delivered and made to the said board of assessors, and who shall take an oath (or affirmation if conscientiously scrupulous of taking an oath) faithfully to discharge his or their trust; and in default of taking such oath or affirmation, previous to entering on the duties of such appointment, or on failure to perform any part of the duties enjoined on him or them respectively by this act, he or they shall respectively forfeit and pay the sum of two hundred dollars for the use of the United States, to be recovered in any court having competent jurisdiction, and shall also be removed from office.

SEC. 26. *And be it further enacted*, That it shall be the duty of the said clerks to record the proceedings of the said board of assessors, and to enter on the record the names of such of the assessors as shall attend any general meeting of the board of assessors for the purposes of this act. And if any assessor shall fail to attend such general meeting his absence shall be noted on the said record, and he shall, for every day he may be absent therefrom, forfeit and pay the sum of ten dollars for the use of the United States. And if any assessor shall fail or neglect to furnish the said board of assessors with the lists of valuation and enumeration of each assessment district within his collection district within three days after the time appointed as aforesaid for such general meeting

of the said board of assessors, he shall forfeit and pay the sum of five hundred dollars for the use of the United States, and moreover shall forfeit his compensation as assessor. And it shall be the duty of the clerks of the said board of assessors to certify to the Secretary of the Treasury an extract of the minutes of the board, showing such failures or neglect, which shall be sufficient evidence of the forfeiture of such compensation to all intents and purposes: *Provided always*, That it shall be in the power of the Secretary of the Treasury to exonerate such assessor or assessors from the forfeiture of the said compensation, in whole or in part, as to him shall appear just and equitable.

Secretary of Treasury may exonerate assessor.

SEC. 27. *And be it further enacted*, That if the said board of assessors shall not, within three days after the first meeting thereof as aforesaid, be furnished with all the lists of valuation of the several counties and State districts of any State, they shall nevertheless proceed to make out the equalization and apportionment by this act directed, and they shall assign to such counties and State districts the valuation lists of which shall not have been furnished, such valuation as they shall deem just and right; and the valuation thus made to such counties and State districts by the board of assessors shall be final, and the proper quota of direct tax shall be and is hereby declared to be imposed thereon accordingly.

Board to make out equalization and apportionment.

Their valuation to be final, and the basis of taxation.

SEC. 28. *And be it further enacted*, That it shall be the duty of the said board of assessors diligently and carefully to consider and examine the said lists of valuation, and they shall have power to revise, adjust, and equalize the valuation of property in any county or State district, by adding thereto, or deducting therefrom, such a rate per centum as shall, under the valuation of the several counties and State districts, be just and equitable: *Provided*, The relative valuation of property in the same county shall not be changed, unless manifest error or imperfection shall appear in any of the lists of valuation, in which case the said board of assessors shall have power to correct the same, as to them shall appear just and right. And if, in consequence of any revisal, change, and alteration of the said valuation, any inequality shall be produced in the apportionment of the said direct tax to the several States as aforesaid, it shall be the duty of the Secretary of the Treasury to report the same to Congress, to the intent that provision may be made by law for rectifying such inequality.

Board of assessors to revise and adjust lists.

Relative valuation not to be changed unless, &c.

Inequalities of taxation to be reported to Congress.

SEC. 29. *And be it further enacted*, That as soon as the said board of assessors shall have completed the adjustment and equalization of the valuation aforesaid, they shall proceed to apportion to each county and State district its proper quota of direct tax. And the said board of assessors shall, within twenty days after the time appointed by the Secretary of the Treasury for their first meeting, complete the said apportionment, and shall record the same; they shall thereupon further deliver to each assessor a certificate of such apportionment, together with the several lists by the assessors respectively presented to the board as aforesaid, and transmit to the Secretary of the Treasury a certificate of the apportionment by them made as aforesaid; and the assessors, respectively, shall thereupon proceed to revise their respective lists, and alter and make the same in all respects conformable to the apportionment aforesaid by the said board of assessors; and the said assessors, respectively, shall make out lists containing the sums payable according to the provisions of this act upon every object of taxation in and for each collection district; which lists shall contain the name of each person residing within the said district, owning or having the care or superintendence of property lying within the said district which is liable to the said tax, when such person or persons are known, together with the sums payable by each; and where there is any property within any collection district liable to the payment of the said tax, not owned or

Board to apportion tax.

Other duties in regard to tax.

Assessors to make their lists conform. Contents of lists.

occupied by or under the superintendence of any person resident therein, there shall be a separate list of such property, specifying the sum payable, and the names of the respective proprietors, where known. And the said assessors shall furnish to the collectors of the several collection districts, respectively, within thirty-five days after the apportionment is completed, as aforesaid, a certified copy of such list or lists for their proper collection districts, and in default of performance of the duties enjoined on the board of assessors and assessors, respectively, by this section, they shall severally and individually forfeit and pay the sum of five hundred dollars to the use of the United States, to be recovered in any court having competent jurisdiction. And it is hereby enacted and declared that the valuation, assessment, equalization, and apportionment, made by the said board of assessors, as aforesaid, shall be and remain in full force and operation for laying, levying, and collecting, yearly and every year, the annual direct tax by this act laid and imposed, until altered, modified, or abolished by law.

Lists to be given to collectors.

Penalty on assessor, &c. under this section.

Valuation and apportionment to continue until altered.

Pay of assessors and assistant assessors.

SEC. 30. *And be it further enacted*, That there shall be allowed and paid to the several assessors and assistant assessors, for their services under this act; to each assessor two dollars per day for every day employed in making the necessary arrangements and giving the necessary instructions to the assistant assessors for the valuation, and three dollars per day for every day employed in hearing appeals, revising valuations, and making out lists agreeably to the provisions of this act, and one dollar for every hundred taxable persons contained in the tax list, as delivered by him to said board of assessors; to each assistant assessor two dollars for every day actually employed in collecting lists and making valuations, the number of days necessary for that purpose to be certified by the assessor and approved by the commissioner of taxes, and one dollar for every hundred taxable persons contained in the tax lists, as completed and delivered by him to the assessor; to each of the assessors constituting the board of assessors, as aforesaid, for every day's actual attendance at said board, the sum of three dollars, and for travelling to and from the place designated by the Secretary of the Treasury, ten cents for each mile, by the most direct and usual route; and to each of the clerks of said board two dollars for every day's actual attendance thereon. And the said board of assessors, and said assessors, respectively, shall be allowed their necessary and reasonable charges for stationery and blank books used in the execution of their duties; and the compensation herein specified shall be in full for all expenses not otherwise particularly authorized, and shall be paid at the Treasury, and such amount as shall be required for such payment is hereby appropriated.

Allowed for stationery and blank books.

Collector on receiving list to give three receipts.

SEC. 31. *And be it further enacted*, That each collector, on receiving a list, as aforesaid, from the said assessors, respectively, shall subscribe three receipts; one of which shall be given on a full and correct copy of such list, which list shall be delivered by him to, and shall remain with, the assessor of his collection district, and shall be open to the inspection of any person who may apply to inspect the same; and the other two receipts shall be given on aggregate statements of the lists aforesaid, exhibiting the gross amount of taxes to be collected in each county or State district contained in the collection district, one of which aggregate statements and receipts shall be transmitted to the Secretary, and the other to the First Comptroller of the Treasury.

Collector to give bond before receiving list.

Form, penalty, &c., of bond.

SEC. 32. *And be it further enacted*, That each collector, before receiving any list, as aforesaid, for collection, shall give bond, with one or more good and sufficient sureties, to be approved by the Solicitor of the Treasury, in the amount of the taxes assessed in the collection district for which he has been or may be appointed; which bond shall be payable to the United States, with condition for the true and faithful discharge of the duties of his office according to law, and particularly for the due collec-



tion and payment of all moneys assessed upon such district, and the said bond shall be transmitted to the Solicitor of the Treasury, and, after approval by him, shall be deposited in the office of the First Comptroller of the Treasury: *Provided always*, That nothing herein contained shall be deemed to annul or in anywise impair the obligation of the bond heretofore given by any collector; but the same shall be and remain in full force and virtue, anything in this act to the contrary thereof in anywise notwithstanding.

Proviso.

SEC. 33. *And be it further enacted*, That the annual amount of the taxes so assessed shall be and remain a lien upon all lands and other real estate of the individuals who may be assessed for the same, during two years after the time it shall annually become due and payable; and the said lien shall extend to each and every part of all tracts or lots of land or dwelling-houses, notwithstanding the same may have been divided or alienated in part.

Tax assessed to be a lien for two years.

SEC. 34. *And be it further enacted*, That each collector shall be authorized to appoint, by an instrument of writing under his hand and seal, as many deputies as he may think proper, to be by him compensated for their services, and also to revoke the powers of any deputy, giving public notice thereof in that portion of the district assigned to such deputy; and each such deputy shall have the like authority, in every respect, to collect the direct tax so assessed within the portion of the district assigned to him which is by this act vested in the collector himself; but each collector shall, in every respect, be responsible both to the United States and to individuals, as the case may be, for all moneys collected, and for every act done as deputy collector by any of his deputies whilst acting as such: *Provided*, That nothing herein contained shall prevent any collector from collecting himself the whole or any part of the tax so assessed and payable in his district.

Collector may appoint deputies, and revoke appointments, &c.

Authority of deputy.

Collector responsible for moneys collected.

SEC. 35. *And be it further enacted*, That each of the said collectors shall, within ten days after receiving his collection list from the assessors, respectively, as aforesaid, and annually, within ten days after he shall be so required by the Secretary of the Treasury, advertise in one newspaper printed in his collection district, if any there be, and by notifications, to be posted up in at least four public places in his collection district, that the said tax has become due and payable, and state the times and places at which he or they will attend to receive the same, which shall be within twenty days after such notification; and with respect to persons who shall not attend, according to such notifications, it shall be the duty of each collector, in person or by deputy, to apply once at their respective dwellings within such district, and there demand the taxes payable by such persons, which application shall be made within sixty days after the receipt of the collection lists, as aforesaid, or after the receipt of the requisition of the Secretary of the Treasury, as aforesaid, by the collectors; and if the said taxes shall not be then paid, or within twenty days thereafter, it shall be lawful for such collector, or his deputies, to proceed to collect the said taxes by distraint and sale of the goods, chattels, or effects of the persons delinquent as aforesaid. And in case of such distraint, it shall be the duty of the officer charged with the collection to make, or cause to be made, an account of the goods or chattels which may be distrained, a copy of which, signed by the officer making such distraint, shall be left with the owner or possessor of such goods, chattels, or effects, or at his or her dwelling, with some person of suitable age and discretion, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be publicly posted up at two of the taverns nearest to the residence of the person whose property shall be distrained, or at the court-house of the same county, if not more than ten miles distant, which notice shall specify the articles distrained, and the time and place for the sale thereof, which time shall not be less than ten days from

Collector to advertise that tax is due and payable, &c.

to demand at dwellings taxes not paid.

to distraint, if not paid within, &c.

Duty of officer in case of distraint.

the date of such notification, and the place proposed for sale not more than five miles distant from the place of making such distraint: *Provided*, That in any case of distraint for the payment of the tax aforesaid, the goods, chattels, or effects so distrained shall and may be restored to the owner or possessor if, prior to the sale thereof, payment or tender thereof shall be made to the proper officer charged with the collection, of the full amount demanded, together with such fee for levying, and such sum for the necessary and reasonable expense of removing and keeping the goods, chattels, or effects so distrained, as may be allowed in like cases by the laws or practice of the State wherein the distraint shall have been made; but in case of non-payment or tender, as aforesaid, the said officers shall proceed to sell the said goods, chattels, or effects, at public auction, and shall and may retain from the proceeds of such sale the amount demandable for the use of the United States, with the necessary and reasonable expenses of distraint and sale, and a commission of five per centum thereon for his own use, rendering the overplus, if any there be, to the person whose goods, chattels, or effects shall have been distrained: *Provided*, That it shall not be lawful to make distraint of the tools or implements of a trade or profession, beasts of the plough necessary for the cultivation of improved lands, arms, or household furniture, or apparel necessary for a family.

**Property may be restored after distraint, on payment, &c. of tax, &c.**

**If tax not paid, property to be sold.**

**What exempted from distraint.**

**When personal property cannot be found sufficient to satisfy tax and costs, the real estate to be sold.**

**Provisions as to sale.**

**If real estate will not sell for enough to pay tax, the United States to take it. Proviso**

**Right of redemption.**

**Deed not to be given until, &c.**

SEC. 36. *And be it further enacted*, That whenever goods, chattels, or effects sufficient to satisfy any tax upon buildings, dwelling-houses, or lands and their improvements, owned, occupied, or superintended by persons known or residing within the same collection district, cannot be found, the collector having first advertised the same for thirty days, in a newspaper printed within the collection district, if such there be, and having posted up, in at least ten public places within the same, a notification of the intended sale, thirty days previous thereto, shall proceed to sell at public sale so much of the said property as may be necessary to satisfy the taxes due thereon, together with an addition of twenty per centum to the said taxes. But in all cases where the property liable to a direct tax under this act may not be divisible, so as to enable the collector by a sale of part thereof to raise the whole amount of the tax, with all costs, charges, and commissions, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after satisfying the tax, costs, charges, and commissions, shall be paid to the owner of the property, or his legal representatives, or if he or they cannot be found, or refuse to receive the same, then such surplus shall be deposited in the Treasury of the United States, to be there held for the use of the owner or his legal representatives, until he or they shall make application therefor to the Secretary of the Treasury, who, upon such application, shall, by warrant on the Treasury, cause the same to be paid to the applicant. And if the property advertised for sale as aforesaid cannot be sold for the amount of the tax due thereon, with the said additional twenty per centum thereto, the collector shall purchase the same in behalf of the United States for the amount aforesaid: *Provided*, That the owner or superintendent of the property aforesaid, after the same shall have been, as aforesaid, advertised for sale, and before it shall have been actually sold, shall be allowed to pay the amount of the tax thereon, with an addition of ten per centum on the same, on the payment of which the sale of the property shall not take place: *Provided also*, That the owners, their heirs, executors, or administrators, or any person on their behalf, shall have liberty to redeem the lands and other property sold, as aforesaid, within two years from the time of sale, upon payment to the collector for the use of the purchaser, his heirs or assigns, of the amount paid by said purchaser, with interest for the same, at the rate of twenty per centum per annum; and no deed shall be given in pursuance of such sale until the time of redemption shall have expired. And the collector shall render a distinct account of the

charges incurred in offering and advertising for sale such property, and shall pay into the Treasury the surplus, if any there be, of the aforesaid addition of twenty per centum, or ten per centum, as the case may be, after defraying the charges. And in every case of the sale of real estate which shall be made under the authority of this act by the collectors, respectively, or their lawful deputies, respectively, the deeds for the estate so sold shall be prepared, made, executed, and proved or acknowledged at the time and times prescribed in this act by the collectors, respectively, within whose collection district such real estate shall be situated, in such form of law as shall be authorized and required by the laws of the United States, or by the law of the State in which such real estate lies, for making, executing, proving, and acknowledging deeds of bargain and sale or other conveyances for the transfer and conveyance of real estate; and for every deed so prepared, made, executed, proved, and acknowledged, the purchaser or grantee shall pay to the collector the sum of two dollars, for the use of the collector or other person effecting the sale of the real estate thereby conveyed.

Form, &c. of deed.

Cost thereof.

SEC. 37. *And be it further enacted,* That with respect to property lying within any collection district not owned or occupied, or superintended by some person residing in such collection district, and on which the tax shall not have been paid to the collector within ninety days after the day on which he shall have received the collection lists from the said assessors, respectively, as aforesaid, or the requisition of the Secretary of the Treasury as aforesaid, the collector shall transmit lists of the same to one of the collectors within the same State, to be designated for that purpose by the Secretary of the Treasury; and the collector, who shall have been thus designated by the Secretary of the Treasury, shall transmit receipts for all the lists received, as aforesaid, to the collector transmitting the same; and the collectors, thus designated in each State by the Secretary of the Treasury, shall cause notifications of the taxes due as aforesaid, and contained in the lists thus transmitted to them, to be published for sixty days in at least one of the newspapers published in the State; and the owners of the property, on which such taxes may be due, shall be permitted to pay to such collector the said tax, with an addition of ten per centum thereon; *Provided,* That such payment is made within one year after the day on which the collector of the district where such property lies had notified that the tax had become due on the same.

Collection of tax on property of non-residents.

SEC. 38. *And be it further enacted,* That when any tax, as aforesaid, shall have remained unpaid for the term of one year, as aforesaid, the collector in the State where the property lies, and who shall have been designated by the Secretary of the Treasury, as aforesaid, having first advertised the same for sixty days in at least one newspaper in the State, shall proceed to sell, at public sale, so much of the said property as may be necessary to satisfy the taxes due thereon, together with an addition of twenty per centum thereon; or if such property is not divisible, as aforesaid, the whole thereof shall be sold, and accounted for in the manner hereinbefore provided. If the property advertised for sale cannot be sold for the amount of the tax due thereon, with the said addition thereon, the collector shall purchase the same in behalf of the United States for such amount and addition. And the collector shall render a distinct account of the charges incurred in offering and advertising for sale such property, and pay into the Treasury the surplus, if any, of the aforesaid addition of ten or twenty per centum, as the case may be, after defraying the said charges.

Property may be sold when tax has remained unpaid one year.

Provisions as to sale, &c.

SEC. 39. *And be it further enacted,* That the collectors, designated as aforesaid by the Secretary of the Treasury, shall deposit with the clerks of the district court of the United States in the respective States, and within which district the property lies, correct lists of the tracts of land or other real property sold by virtue of this act for non-payment

Collectors to deposit with clerk of court lists of property sold.

of taxes, together with the names of owners or presumed owners, and of the purchasers of the same at the public sales aforesaid, and of the amount paid by said purchasers for the same; the owners, their heirs, executors, or administrators, or any person in their behalf, shall have liberty to redeem the lands or other property sold, as aforesaid, within two years from the time of sale, upon payment to the clerk aforesaid, for the use of the purchaser, his heirs, or assigns, of the amount paid by such purchaser for the said land, or other real property, with interest for the same at the rate of twenty per centum per annum, and of a commission of five per centum on such payment for the use of the clerk aforesaid. The clerks shall, on application, pay to the purchasers the moneys thus paid for their use; and the collectors, respectively, shall give deeds for the lands or property aforesaid to the purchasers entitled to the same, in all cases where the same shall not have been redeemed within two years, as aforesaid, by the original owners thereof, or their legal representatives, or any person in their behalf, and deposit such deeds with such clerk. And the said clerk shall be entitled to receive from the purchaser, for his own use, the sum of one dollar, in addition to the sum hereinbefore made payable to the collector, for every such deed, to be paid on the delivery thereof to such purchasers. And in all cases where lands may be sold under this act for the payment of taxes, belonging to infants, persons of insane mind, married women, or persons beyond sea, such persons shall have the term of two years after their respective disabilities shall have been removed, or their return to the United States, to redeem lands thus sold, on their paying into the clerk's office aforesaid the amount paid by the purchaser, with fifty per centum addition thereto, together with ten per centum interest per annum, on the aggregate sum, and on their payment to the purchaser of the land aforesaid a compensation for all improvements he may have made on the premises, subsequent to his purchase, the value of which improvements to be ascertained by three or more neighboring freeholders, to be appointed by the clerk aforesaid, who, on actual view of the premises, shall assess the value of such improvements, on their oaths, and make return of such valuation to the clerk immediately. And the clerk of the court shall receive such compensation for his services herein, to be paid by and received from the parties, like costs of suit, as the judge of the district court shall, in that respect, tax and allow.

**Right of redemption.**

**Proceedings.**

**Clarks' fees.**

**Infants, insane, married women, and persons beyond the sea.**

**Improvements.**

**Pay of clerk.**

**Collector to transmit monthly to Secretary of Treasury, statement of collections; pay over quarterly, &c.**

**Proviso.**

**To be charged with amount of taxes received for by him.**

**To be credited with what.**

**SEC. 40.** *And be it further enacted,* That the several collectors shall, at the expiration of every month, after they shall, respectively, commence their collections in the next and every ensuing year, transmit to the Secretary of the Treasury a statement of the collections made by them, respectively, within the month, and pay over quarterly, or sooner, if required by the Secretary of the Treasury, the moneys by them respectively collected within the said term; and each of the said collectors shall complete the collection of all sums annually assigned to him for collection, as aforesaid, shall pay over the same into the Treasury, and shall render his final account to the Treasury Department, within six months from and after the day when he shall have received the collection lists from the said board of assessors or the said requisition of the Secretary of the Treasury, as aforesaid: *Provided, however,* That the period of one year and three months from the said annual day shall be annually allowed to the collector designated in each State, as aforesaid, by the Secretary of the Treasury, with respect to the taxes contained in the list transmitted to him by the other collectors, as aforesaid.

**SEC. 41.** *And be it further enacted,* That each collector shall be charged with the whole amount of taxes by him receipted, whether contained in the lists delivered to him by the principal assessors, respectively, or transmitted to him by other collectors; and shall be allowed credit for the amount of taxes contained in the lists transmitted in the manner above provided to other collectors, and by them receipted as aforesaid; and also

for the taxes of such persons as may have absconded, or become insolvent, subsequent to the date of the assessment, and prior to the day when the tax ought, according to the provisions of this act, to have been collected: *Provided*, That it shall be proved to the satisfaction of the First Comptroller of the Treasury that due diligence was used by the collector, and that no property was left from which the tax could have been recovered; and each collector, designated in each State, as aforesaid, by the Secretary of the Treasury, shall receive credit for the taxes due for all tracts of land which, after being offered by him for sale in manner aforesaid, shall or may have been purchased by him in behalf of the United States.

Proviso.

SEC. 42. *And be it further enacted*, That if any collector shall fail either to collect or to render his account, or to pay over in the manner or within the times hereinbefore provided, it shall be the duty of the First Comptroller of the Treasury, and he is hereby authorized and required, immediately after such delinquency, to report the same to the Solicitor of the Treasury, who shall issue a warrant of distress against such delinquent collector and his sureties, directed to the marshal of the district, therein expressing the amount of the taxes with which the said collector is chargeable, and the sums, if any, which have been paid. And the said marshal shall, himself, or by his deputy, immediately proceed to levy and collect the sum which may remain due, by distress and sale of the goods and chattels, or any personal effects of the delinquent collector; and for want of goods, chattels, or effects aforesaid, sufficient to satisfy the said warrant, the same may be levied on the person of the collector, who may be committed to prison, there to remain until discharged in due course of law; and furthermore, notwithstanding the commitment of the collector to prison, as aforesaid, or if he abscond, and goods, chattels, and effects cannot be found sufficient to satisfy the said warrant, the said marshal or his deputy shall and may proceed to levy and collect the sum which remains due, by distress and sale of the goods and chattels, or any personal effects, of the surety or sureties of the delinquent collector. And the amount of the sums due from any collector, as aforesaid, shall, and the same are hereby declared to be a lien upon the lands and real estate of such collector and his sureties, until the same shall be discharged according to law. And for want of goods and chattels, or other personal effects of such collector or his sureties, sufficient to satisfy any warrant of distress, issued pursuant to the preceding section of this act, the lands and real estate of such collector and his sureties, or so much thereof as may be necessary for satisfying the said warrant, after being advertised for at least three weeks in not less than three public places in the collection district, and in one newspaper printed in the county or district, if any there be, prior to the proposed time of sale, may and shall be sold by the marshal or his deputy; and for all lands and real estate sold in pursuance of the authority aforesaid, the conveyances of the marshals or their deputies, executed in due form of law, shall give a valid title against all persons claiming under delinquent collectors or their sureties aforesaid. And all moneys that may remain of the proceeds of such sale, after satisfying the said warrant of distress, and paying the reasonable costs and charges of sale, shall be returned to the proprietor of the lands or real estate sold as aforesaid.

Delinquent collectors.

Personal property to be seized and sold.

Arrest.

Sums due from collector to be a lien on his lands, and those of his sureties.

Real estate may be sold.

Title under tax deed.

Balance if any after, &c.

Penalty on collector and deputy for extortion, &c.

SEC. 43. *And be it further enacted*, That each and every collector, or his deputy, who shall exercise or be guilty of any extortion or oppression, under color of this act, or shall demand other or greater sums than shall be authorized by this act, shall be liable to pay a sum not exceeding two thousand dollars, to be recovered by and for the use of the party injured, with costs of suit, in any court having competent jurisdiction; and each and every collector, or his deputies, shall give receipts for all sums by them collected and retained in pursuance of this act.

SEC. 44. *And be it further enacted*, That separate accounts shall be

Accounts, how to be kept at Treasury Department, of moneys received.

To be reported to Congress.

Assessors to make out lists of transfers and changes of real estate.

Duty of collectors.

Proceedings if any State fails to pay, &c., her quota of the tax.

Penalty for taking false oath or affirmation.

Pay of collectors and deputies.  
Commissions.

kept at the Treasury of all moneys received from the direct tax, and from the internal duties, or income tax, in each of the respective States, Territories, and District of Columbia, and collection districts; and that separate accounts shall be kept of the amount of each species of duty that shall accrue, with the moneys paid to the collectors, assessors, and assistant assessors, and to the other officers employed in each of the respective States, Territories, and collection districts, which accounts it shall be the duty of the Secretary of the Treasury, annually, in the month of December, to lay before Congress.

SEC. 45. *And be it further enacted*, That the assessors, respectively, shall, yearly and in every year, after the expiration of one year from the second Tuesday of February next, inquire and ascertain, in the manner by the fourteenth section of this act provided, what transfers and changes of property in lands, lots of ground, buildings, and dwelling-houses have been made and effected in their respective districts, subsequent to the next preceding valuation, assessment, and apportionment of the direct tax by this act laid; and within twenty days thereafter they shall make out three lists of such transfers and changes, and transmit one list to the Secretary of the Treasury, another list to the commissioner of taxes, and the third shall be delivered to the collector of the collection district. And it shall yearly, and every year, after the said year one thousand eight hundred and sixty-two, be the duty of the Secretary of the Treasury to notify the collectors of the several collection districts the day on which it shall be the duty of the said collectors to commence laying and collecting the annual direct tax by this act laid and imposed, according to the assessment of the tax lists to them delivered by the said assessors, as aforesaid, subject only to such alterations therein as shall be just and proper, in the opinion of the Secretary of the Treasury, to conform to the transfers and changes aforesaid, ascertained by the assessors aforesaid; and the said collectors shall, annually, in all respects, proceed in and conclude the collection of the said direct tax in the same manner and within the time hereinbefore provided and prescribed.

SEC. 46. *And be it further enacted*, That in case any State, Territory, or the District of Columbia, after notice given of its intention to assume and pay, or to levy, collect, and pay said direct tax herein provided for and apportioned to said State, Territory, or District, shall, in any year after the taking effect of this act, fail to pay the amount of said direct tax or any part thereof, as provided in this act, in such cases it shall be lawful for the Secretary of the Treasury of the United States to appoint United States' assessors, assistant assessors, and collectors, as in this act provided, whose duty it shall be to proceed forthwith, under such regulations as the said Secretary of the Treasury shall prescribe, to collect all or any part of said direct tax the same as though said State, Territory, or District had not given notice, nor assumed to levy, collect, and pay said taxes, or any part thereof.

SEC. 47. *And be it further enacted*, That any person who shall be convicted of wilfully taking a false oath or affirmation in any of the cases in which an oath or affirmation is required to be taken by this act, shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury, and shall, moreover, forfeit the sum of five hundred dollars.

SEC. 48. *And be it further enacted*, That there shall be allowed to the collectors appointed under this act, in full compensation for their services and that of their deputies in carrying this act into effect, a commission of four per centum upon the first hundred thousand dollars, one per centum upon the second one hundred thousand dollars, and one-half of one per centum upon all sums above two hundred thousand dollars; such commissions to be computed upon the amounts by them respectively paid

over and accounted for under the instructions of the Treasury Department: *Provided*, That in no case shall such commissions exceed the sum of four thousand dollars for a principal officer and two thousand dollars for an assistant. And there shall be further allowed to each collector their necessary and reasonable charges for stationery and blank books used in the performance of their official duties, which, after being duly examined and certified by the commissioner of taxes, shall be paid out of the Treasury.

Proviso.

Allowance for stationery, blank books, &c.

SEC. 49. *And be it further enacted*, That, from and after the first day of January next, there shall be levied, collected, and paid, upon the annual income of every person residing in the United States, whether such income is derived from any kind of property, or from any profession, trade, employment, or vocation carried on in the United States or elsewhere, or from any other source whatever, if such annual income exceeds the sum of eight hundred dollars, a tax of three per centum on the amount of such excess of such income above eight hundred dollars: *Provided*, That upon such portion of said income as shall be derived from interest upon treasury notes or other securities of the United States, there shall be levied, collected, and paid a tax of one and one half per centum. Upon the income, rents, or dividends accruing upon any property, securities, or stocks owned in the United States by any citizen of the United States residing abroad, there shall be levied, collected, and paid a tax of five per centum, excepting that portion of said income derived from interest on treasury notes and other securities of the Government of the United States, which shall pay one and one half per centum. The tax herein provided shall be assessed upon the annual income of the persons hereinafter named for the year next preceding the time for assessing said tax, to wit, the year next preceding the first of January, eighteen hundred and sixty-two; and the said taxes, when so assessed and made public, shall become a lien on the property or other sources of said income for the amount of the same, with the interest and other expenses of collection until paid: *Provided*, That, in estimating said income, all national, state, or local taxes assessed upon the property, from which the income is derived, shall be first deducted.

Income tax.

[Repealed, 1862, ch. 119, § 89. Post, p. 473.]

Excess over \$800.

Proviso.

Of what date to be assessed. Lien.

Income, how to be estimated.

SEC. 50. *And be it further enacted*, That it shall be the duty of the President of the United States, and he is hereby authorized, by and with the advice and consent of the Senate, to appoint one principal assessor and one principal collector in each of the States and Territories of the United States, and in the District of Columbia, to assess and collect the internal duties or income tax imposed by this act, with authority in each of said officers to appoint so many assistants as the public service may require, to be approved by the Secretary of the Treasury. The said taxes to be assessed and collected under such regulations as the Secretary of the Treasury may prescribe. The said collectors, herein authorized to be appointed, shall give bonds, to the satisfaction of the Secretary of the Treasury, in such sums as he may prescribe, for the faithful performance of their respective duties. And the Secretary of the Treasury shall prescribe such reasonable compensation for the assessment and collection of said internal duties or income tax as may appear to him just and proper; not, however, to exceed in any case the sum of two thousand five hundred dollars per annum for the principal officers herein referred to, and twelve hundred dollars per annum for an assistant. The assistant collectors herein provided shall give bonds to the satisfaction of the principal collector for the faithful performance of their duties. The Secretary of the Treasury is further authorized to select and appoint one or more depositaries in each State for the deposit and safe-keeping of the moneys arising from the taxes herein imposed when collected, and the receipt of the proper officer of such depository to the collector for the moneys deposited by him shall be the proper voucher for such collector in

Mode of assessing and collecting income tax.

[Repealed in part, 1862, ch. 119, § 89. Post, p. 473.]

Collector to give bond.

Pay.

Assistant-Collectors' bond.

Depositaries.

the settlement of his account at the Treasury Department. And he is further authorized and empowered to make such officer or depositary the disbursing agent of the Treasury for the payment of all interest due to the citizens of such State upon the treasury notes or other government securities issued by authority of law. And he shall also prescribe the forms of returns to be made to the department by all assessors and collectors appointed under the authority of this act. He shall also prescribe the form of oath or obligation to be taken by the several officers authorized or directed to be appointed and commissioned by the President under this act, before a competent magistrate duly authorized to administer oaths, and the form of the return to be made thereon to the Treasury Department.

**Depositories to be disbursing agents.**  
**Form of return.**  
**of oath.**  
**When income tax is payable.**  
 [Repealed, 1862, ch. 119, § 89. Post, p. 473.]  
**Proceedings to enforce payment.**  
**Levy.**  
**Sale after notice.**  
**Title under tax sale.**  
**Examinations.**  
**Sales of stocks, &c.**  
**Penalty for refusing to testify.**  
**Custody, place of.**  
**fees and expense of.**

**SEC. 51.** *And be it further enacted,* That the tax herein imposed by the forty-ninth section of this act shall be due and payable on or before the thirtieth day of June, in the year eighteen hundred and sixty-two, and all sums due and unpaid at that day shall draw interest thereafter at the rate of six per centum per annum; and if any person or persons shall neglect or refuse to pay after due notice said tax assessed against him, her, or them, for the space of more than thirty days after the same is due and payable, it shall be lawful for any collector or assistant collector charged with the duty of collecting such tax, and they are hereby authorized, to levy the same on the visible property of any such person, or so much thereof as may be sufficient to pay such tax, with the interest due thereon, and the expenses incident to such levy and sale, first giving thirty days' public notice of the time and place of the sale thereof; and in case of the failure of any person or persons authorized to act as agent or agents for the collection of the rents or other income of any person residing abroad shall neglect or refuse to pay the tax assessed thereon (having had due notice) for more than thirty days after the thirtieth of June, eighteen hundred and sixty-two, the collector or his assistant, for the district where such property is located, or rents or income is payable, shall be and hereby is authorized to levy upon the property itself, and to sell the same, or so much thereof as may be necessary to pay the tax assessed, together with the interest and expenses incident to such levy and sale, first giving thirty days' public notice of the time and place of sale. And in all cases of the sale of property herein authorized, the conveyance by the officer authorized to make the sale, duly executed, shall give a valid title to the purchaser, whether the property sold be real or personal. And the several collectors and assistants appointed under the authority of this act may, if they find no property to satisfy the taxes assessed upon any person by authority of the forty-ninth section of this act, and which such person neglects to pay as hereinbefore provided, shall have power, and it shall be their duty, to examine under oath the person assessed under this act, or any other person, and may sell at public auction, after ten days' notice, any stock, bonds, or choses in action, belonging to said person, or so much thereof as will pay such tax and the expenses of such sale; and in case he refuses to testify, the said several collectors and assistants shall have power to arrest such person and commit him to prison, to be held in custody until the same shall be paid, with interest thereon, at the rate of six per centum per annum, from the time when the same was payable as aforesaid, and all fees and charges of such commitment and custody. And the place of custody shall in all cases be the same provided by law for the custody of persons committed for any cause by the authority of the United States, and the warrant of the collector, stating the cause of commitment, shall be sufficient authority to the proper officer for receiving and keeping such person in custody until the amount of said tax and interest, and all fees and the expense of such custody, shall have been fully paid and discharged; which fees and expenses shall be the same as are chargeable under the laws of the United States in



other cases of commitment and custody. And it shall be the duty of such collector to pay the expenses of such custody, and the same, with his fees, shall be allowed on settlement of his accounts. And the person so committed shall have the same right to be discharged from such custody as may be allowed by the laws of the State or Territory, or the District of Columbia, where he is so held in custody, to persons committed under the laws of such State or Territory, or District of Columbia, for the non-payment of taxes, and in the manner provided by such laws; or he may be discharged at any time by order of the Secretary of the Treasury.

Custody, discharge from.

SEC. 52. *And be it further enacted,* That should any of the people of any of the States or Territories of the United States, or the District of Columbia be in actual rebellion against the authority of the Government of the United States at the time this act goes into operation, so that the laws of the United States cannot be executed therein, it shall be the duty of the President, and he is hereby authorized, to proceed to execute the provisions of this act within the limits of such State or Territory, or District of Columbia, so soon as the authority of the United States therein is re-established, and to collect the sums which would have been due from the persons residing or holding property or stocks therein, with the interest due, at the rate of six per centum per annum thereon until paid in the manner and under the regulations prescribed in the foregoing *in the foregoing* sections of this act.

If any State is in rebellion, when this act goes into operation, act to be executed, when, &c.

SEC. 53. *And be it further enacted,* That any State or Territory and the District of Columbia may lawfully assume, assess, collect, and pay into the Treasury of the United States the direct tax, or its quota thereof, imposed by this act upon the State, Territory, or the District of Columbia, in its own way and manner, by and through its own officers, assessors, and collectors; that it shall be lawful to use for this purpose the last or any subsequent valuation, list, or appraisal made by State or Territorial authority for the purpose of State or Territorial taxation therein, next preceding the date when this act takes effect, to make any laws or regulations for these purposes, to fix or change the compensation to officers, assessors, and collectors; and any such State, Territory or District, which shall give notice by the Governor, or other proper officer thereof, to the Secretary of the Treasury of the United States, on or before the second Tuesday of February next, and in each succeeding year thereafter, of its intention to assume and pay, or to assess, collect, and pay into the Treasury of the United States, the direct tax imposed by this act, shall be entitled, in lieu of the compensation, pay per diem and per centage herein prescribed and allowed to assessors, assistant assessors, and collectors of the United States, to a deduction of fifteen per centum on the quota of direct tax apportioned to such State, Territory or the District of Columbia levied and collected by said State, Territory, and District of Columbia through its said officers: *Provided, however,* That the deduction shall only be made to apply to such part or parts of the same as shall have been actually paid into the Treasury of the United States on or before the last day of June in the year to which such payment relates, and a deduction of ten per centum to such part or parts of the same as shall have been actually paid into the Treasury of the United States on or before the last day of September in the year to which such payment relates, such year being regarded as commencing on the first day of April: *And provided further,* That whenever notice of the intention to make such payment by the State, or Territory and the District of Columbia shall have been given to the Secretary of the Treasury, in accordance with the foregoing provisions, no assessors, assistant assessors, or collectors, in any State, Territory, or District, so giving notice, shall be appointed, unless said State, Territory, or District shall be in default: *And provided, further,* That the amount of direct tax, apportioned to any State, Territory, or the

Each State may collect and pay its quota of the direct tax in its own way.

Proceedings in such case.

1862, ch. 66.  
Post, p. 384.

Deduction in such case of 15 per cent.

To what to apply.

No assessors to be appointed in such case.

State may pay its tax by releasing claim against the United States.

*Post*, p. 384. Proviso.

Duty of collectors to collect duties imposed by this act.

Fines and penalties, how recovered.

Debts due from collector to the United States to be a lien on his real estate and that of his sureties.

Office of commissioner of taxes created.

Authority, duty, salary.

Clerks.

If a collector is sick, deputy may act, &c.

If collector dies, resigns, &c., who to act in his place.

District of Columbia, shall be liable to be paid and satisfied, in whole or in part, by the release of such State, Territory, or District, duly executed, to the United States, of any liquidated and determined claim of such State, Territory, or District, of equal amount against the United States: *Provided*, That, in case of such release, such State, Territory, or District shall be allowed the same abatement of the amount of such tax as would be allowed in case of payment of the same in money.

SEC. 54. *And be it further enacted*, That it shall be the duty of the collectors aforesaid in their respective districts, and they are hereby authorized, to collect the duties imposed by this act, and to prosecute for the recovery of the same, and for the recovery of any sum or sums which may be forfeited by virtue of this act; and all fines, penalties, and forfeitures which shall be incurred by force of this act, shall and may be sued for and recovered in the name of the United States or of the collector within whose district any such fine, penalty, or forfeiture shall have been incurred, by bill, plaint, or information; one moiety thereof to the use of the United States, and the other moiety thereof to the use of such collector.

SEC. 55. *And be it further enacted*, That the amount of all debts due to the United States by any collector, under this act, whether secured by bond or otherwise, shall and are hereby declared to be a lien upon the lands and real estate of such collector, and of his sureties, if he shall have given bond, from the time when suit shall be instituted for recovering the same; and, for want of goods and chattels and other personal effects of such collector or his sureties to satisfy any judgment which shall or may be recovered against them, respectively, such lands and real estate may be sold at public auction, after being advertised for at least three weeks in not less than three public papers within the collection district, and in one newspaper printed in the county, if any there be, at least six weeks prior to the time of sale; and for all lands or real estate sold in pursuance of the authority aforesaid, the conveyances of the marshals or their deputies, executed in due form of law, shall give a valid title against all persons claiming under such collector or his sureties, respectively.

SEC. 56. *And be it further enacted*, That, for superintending the collection of the direct tax and internal duties or income tax laid by this act, an officer is hereby authorized in the Treasury Department, to be called "Commissioner of Taxes," who shall be charged, under the direction of the Secretary, with preparing all the forms necessary for the assessment and collection of the tax and duties aforesaid, with preparing, signing, and distributing all such licenses as are required, and with the general superintendence of all the officers employed in assessing and collecting said tax and duties; said commissioner shall be appointed by the President, upon the nomination of the Secretary of the Treasury, and he shall receive an annual salary of three thousand dollars. The Secretary of the Treasury may assign the necessary clerks to the office of said commissioner, whose aggregate salaries shall not exceed six thousand dollars per annum, and the amount required to pay the salaries of said commissioner and clerks is hereby appropriated.

SEC. 57. *And be it further enacted*, That in case of the sickness or temporary disability of a collector to discharge such of his duties as cannot, under existing laws, be discharged by a deputy, they may be devolved by him upon a deputy: *Provided*, Information thereof be immediately communicated to the Secretary of the Treasury, and shall not be disapproved by him: *And provided*, That the responsibility of the collector or his sureties to the United States shall not be thereby affected or impaired.

SEC. 58. *And be it further enacted*, That in case a collector shall die, resign, or be removed, the deputy of such collector longest in service at the time immediately preceding, who shall have been longest employed by

him, may and shall, until a successor shall be appointed, discharge all the duties of said collector, and for whose conduct, in case of the death of the collector, his estate shall be responsible to the United States.

APPROVED, August 5, 1861.

CHAP. XLVI. — *An Act supplementary to an Act entitled "An Act to authorize a National Loan, and for other Purposes."* August 5, 1861.

*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 is hereby authorized to issue bonds of the United States, bearing interest at six per centum per annum, and payable at the pleasure of the United States after twenty years from date; and if any holder of Treasury notes, bearing interest at the rate of seven and three-tenths per centum, which may be issued under the authority of the act to authorize a national loan and for other purposes, approved July seventeenth, eighteen hundred and sixty-one, shall desire to exchange the same for said bonds, the Secretary of the Treasury may, at any time before or at the maturity of said Treasury notes, issue to said holder, in payment thereof, an amount of said bonds equal to the amount which, at the time of such payment or exchange, may be due on said Treasury notes; but no such bonds shall be issued for a less sum than five hundred dollars, nor shall the whole amount of such bonds exceed the whole amount of Treasury notes bearing seven and three-tenths per centum interest, issued under said act; and any part of the Treasury notes payable on demand, authorized by said act, may be made payable by the Assistant Treasurer at Saint Louis, or by the depository at Cincinnati.

1861, ch. 5.  
Ante, p. 259.  
Six per cent. bonds may be issued, redeemable in twenty years, and exchangeable for certain Treasury notes.

Denomination and amount of bonds.  
Where Treasury notes may be made payable.

SEC. 2. *And be it further enacted,* That the Treasury notes issued under the provisions of the said act to authorize a national loan, and for other purposes, or of any other act now in force authorizing the issue of such notes, shall be signed by the Treasurer of the United States, or by some officer of the Treasury Department, designated by the Secretary of the Treasury, for said Treasurer, and countersigned by the Register of the Treasury, or by some officer of the Treasury Department, designated by the Secretary of the Treasury, for said Register, and no Treasury notes, issued under any act, shall require the seal of the Treasury Department.

Treasury notes, how executed.  
Need not have seal.

SEC. 3. *And be it further enacted,* That so much of the act to which this is supplementary as limits the denomination of a portion of the Treasury notes authorized by said act at not less than ten dollars, be and is so modified as to authorize the Secretary of the Treasury to fix the denomination of said notes at not less than five dollars.

May be issued for not less than \$5.  
Ante, p. 259.  
Post, p. 338.

SEC. 4. *And be it further enacted,* That, in addition to the amount heretofore appropriated, the sum of one hundred thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay such expenses, commissions, or compensation as may be necessary, in the judgment of the Secretary of the Treasury, to carry into execution the provisions of this act, and of the act to which this is supplementary.

Appropriation for purposes of this act, &c.

SEC. 5. *And be it further enacted,* That the Treasury notes authorized by the act to which this is supplementary, of a less denomination than fifty dollars, payable on demand without interest, and not exceeding in amount the sum of fifty millions of dollars, shall be receivable in payment of public dues.

Notes on demand, &c., under \$50, receivable for public dues.

SEC. 6. *And be it further enacted,* That the provisions of the act entitled "An Act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursements of the public revenue," passed August six, eighteen hundred and forty-six, be and the same are hereby suspended, so far as to allow the Secre-

Portions of sub-treasury act suspended.  
1846, ch. 90.  
Vol. ix. p. 59.

Deposits in solvent specie-paying banks.

tary of the Treasury to deposit any of the moneys obtained on any of the loans now authorized by law, to the credit of the Treasurer of the United States, in such solvent specie-paying banks as he may select; and the said moneys, so deposited, may be withdrawn from such deposit for deposit with the regular authorized depositories, or for the payment of public dues, or paid in redemption of the notes authorized to be issued under this act, or the act to which this is supplementary, payable on demand, as may seem expedient to, or be directed by, the Secretary of the Treasury.

Six per cent. bonds due in 20 years may be issued for certain seven per cent. bonds.

SEC. 7. *And be it further enacted*, That the Secretary of the Treasury may sell or negotiate, for any portion of the loan provided for in the act to which this is supplementary, bonds payable not more than twenty years from date, and bearing interest not exceeding six per centum per annum, payable semi-annually, at any rate not less than the equivalent of par, for the bonds bearing seven per centum interest, authorized by said act.

APPROVED, August 5, 1861.

August 5, 1861.

CHAP. XLVII. — *An Act supplementary to an Act entitled "An Act to increase the present Military Establishment of the United States," approved July twenty-ninth, eighteen hundred and sixty-one.*

1861, ch. 24.

*Ante*, p. 279.

1862, ch. 200, §

19. *Post*, p. 596.

Additional aides-de-camp authorized.

1862, ch. 133, §

7. *Post*, p. 509.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be lawful for the President of the United States, during the existing insurrection and rebellion, upon the recommendation of the Lieutenant-General commanding the army of the United States, or of any Major-General of the regular army of the United States, commanding forces of the United States in the field, to appoint such number of aides-de-camp, in addition to those now authorized by law, as the exigencies of the service may, in the opinion of the President, require; such aides-de-camp to bear respectively the rank and authority of captains, majors, lieutenant-colonels, or colonels of the regular army as the President may direct, and to receive the same pay and allowances as are provided by existing laws for officers of cavalry of corresponding rank. The President shall cause all aides-de-camp appointed under this act to be discharged whenever they shall cease to be employed in active service, and he may reduce the number so employed whenever he may deem it expedient so to do. Any officers of the regular army appointed aides-de-camp under this act, and detached or assigned to duty for service as such, shall upon their discharge resume their positions in the regular army, and shall be entitled to the same rank and promotion as if they had continued to serve in their own regiments or corps.

APPROVED, August 5, 1861.

August 5, 1861.

1819, ch. 77.

Vol. iii. p. 510.

Vessels intended for piratical aggressions may be seized at sea or in port and condemned.

CHAP. XLVIII. — *An Act supplementary to an Act entitled "An Act to protect the Commerce of the United States, and Punish the Crime of Piracy."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any vessel or boat which shall be built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy, as defined by the law of nations, shall be liable to be captured and brought into any port of the United States if found upon the high seas, or to be seized if found in any port or place within the United States, whether the same shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted upon or from such vessel or boat or not; and any such vessel or boat may be adjudged and condemned, if captured by a vessel authorized as hereinafter mentioned, to the use of the United

States and to that of the captors, and if seized by a collector, surveyor, or marshal, then to the use of the United States, after due process and trial, in like manner as is provided in section four of the act to which this act is supplementary, which section is hereby made in all respects applicable to cases arising under this act. § 4. 1819, ch. 77, Vol. iii. p. 513.

SEC. 2. *And be it further enacted*, That the President of the United States be, and hereby is, authorized to instruct the commanders of the public armed vessels of the United States, and to authorize the commanders of any other armed vessels sailing under the authority of any letters of marque and reprisal granted by the Congress of the United States, or the commanders of any other suitable vessels, to subdue, seize, take, and, if on the high seas, to send into any port of the United States any vessel or boat built, purchased, fitted out, or held, as in the first section of this act mentioned. Commanders of public ships, &c., to be instructed to seize such vessels.

SEC. 3. *And be it further enacted*, That the collectors of the several ports of entry, the surveyors of the several ports of delivery, and the marshals of the several judicial districts within the United States be and are hereby authorized and required to seize any and all vessels or boats built, purchased, fitted out, or held as aforesaid, which may be found within their respective ports or districts, and to cause the same to be proceeded against and disposed of as hereinbefore provided. Collectors, surveyors, and marshals, required to seize such vessels, &c.

APPROVED, August 5, 1861.

CHAP. XLIX. — *An Act to reduce Consular Fees for Vessels running to or between Foreign Ports.* August 5, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, shall not be required to pay fees to consuls for more than four trips in a year, anything in the law or regulations respecting consular fees to the contrary notwithstanding. Consular fees for certain vessels.

APPROVED, August 5, 1861.

CHAP. L. — *An Act authorizing additional Enlistments in the Navy of the United States.* August 5, 1861.

*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 enlisted in the navy of the United States, for the term of three years, or during the war, such number of able seamen, ordinary seamen, and boys, as he may judge necessary and proper, to place the entire navy of the United States, and all vessels that may be added to it, in a state of the utmost efficiency for active service. Enlistments in the Navy.

APPROVED, August 5, 1861.

CHAP. LI. — *An Act making further Appropriation for the Support of the Naval Service for the Year ending June thirtieth, eighteen hundred and sixty-two, and for other Purposes.* August 5, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of thirty thousand dollars be, and the same is, hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the completion of the coal depot at Key West, Florida, and repairs of the wharf belonging to the same. Naval appropriations.

For the completion of the marine barracks at Charlestown, Massachusetts, twelve thousand dollars. Coal depot at Key West.

For the purchase of the right to manufacture and use Coston's night signals, twenty thousand dollars: *Provided*, That the full right to manu- Marine barracks at Charlestown.

Coston's night signals.

facture and use the same can be purchased at a price not exceeding that sum.

Ordnance. For the purchase of ordnance for the use of the navy, three hundred thousand dollars.

Fort Abercrombie. For repairing the quarters and outbuildings at Fort Abercrombie, seven thousand dollars.

Volunteers. For collecting, drilling, and organizing volunteers, under the acts authorizing the President to accept the services of five hundred thousand men, twenty millions of dollars.

Secretary of Navy may change the names of purchased vessels. SEC. 2. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized to change the names of any vessels purchased for the use of the Navy Department by authority of law, and they shall be thereafter known by the names so given them by virtue of this act.

Gunboats for Western rivers. SEC. 3. *And be it further enacted*, That there be, and hereby is, appropriated, in like manner, the sum of one hundred thousand dollars, for the construction and equipment of gunboats for service on the Western rivers.

APPROVED, August 5, 1861.

August 5, 1861. CHAP. LII. — *An Act making Appropriation to pay the Expenses of the Investigating Committees of the House of Representatives and Senate appointed the first Session of the Thirty-seventh Congress, and of the Commission authorized to examine and report as to the Compensation of all Officers of the Government.*

Appropriation for expenses of investigating committees. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of ten thousand dollars, to pay the expenses of the investigating committees of the Senate and House of Representatives appointed at the first session of the Thirty-seventh Congress, and also the expenses of the commission authorized to examine and report as to the compensation of all officers of the Government; said sum of money to be drawn from the Treasury as part of the contingent expenses of the House of Representatives, and to be disbursed in the mode provided by law for such expenses.

How drawn and disbursed.

APPROVED, August 5, 1861.

August 5, 1861. CHAP. LIII. — *An Act authorizing the Construction of twelve small Side-wheel Steamers.*

Twelve small side-wheel steamers. *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 cause to be constructed, with the least possible delay, twelve small side-wheel steamers, for the use of the navy of the United States, of light draught and great speed; and that for the purpose aforesaid twelve hundred thousand dollars be, and the same hereby is, appropriated.

Appropriation.

APPROVED, August 5, 1861.

August 5, 1861. CHAP. LIV. — *An Act making Appropriations for Fortifications and for other Purposes.*

Appropriations for fortifications. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars for contingencies of fortifications, to be used and applied under the direction of the Secretary of War.

When commissioned officers tendering resignations, to be treated as deserters. SEC. 2. *And be it further enacted*, That any commissioned officer of the army, navy, or marine corps, who, having tendered his resignation, shall, prior to due notice of the acceptance of the same by the proper authority, and without leave, quit his post or proper duties with the intent to remain

permanently absent therefrom, shall be registered as a deserter, and punished as such.

SEC. 3. *And be it further enacted*, That flogging as a punishment in the army is hereby abolished. Flogging in the army abolished.

SEC. 4. *And be it further enacted*, That for removing stables and other obstructions from the grounds around the Washington Infirmary, used as an army hospital, and grading said grounds to secure proper drainage of the same, the sum of five thousand dollars be, and the same is hereby appropriated, to be expended under the direction of the surgeon-general of the United States army. Washington Infirmary.

APPROVED, August 5, 1861.

CHAP. LV. — *An Act in Relation to the Office of Attorney of the United States for the Southern District of New York.* August 6, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be paid to the attorney of the United States for the southern district of New York, quarterly, a salary at the rate of six thousand dollars per annum, and such additional sum as shall be necessary, together with the costs and fees now allowed by law to pay such amount as shall be fixed by the Secretary of the Interior for the proper expenses of the office, including salaries of assistants and clerks. Salary of attorney of southern district of New York.  
Expenses of office.

SEC. 2. *And be it further enacted*, That the accounts of said attorney, from and after the fourth day of April last, shall be adjusted and settled in the same manner as the same would have been adjusted and settled had this act been in operation on and after that day. Accounts from April 4th, 1861, to be settled by this act.

APPROVED, August 6, 1861.

CHAP. LVI. — *An Act to punish certain Crimes against the United States.* August 6, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any person shall be guilty of the act of recruiting soldiers or sailors in any State or Territory of the United States to engage in armed hostility against the United States, or who shall open a recruiting station for the enlistment of such persons, either as regulars or volunteers, to serve as aforesaid, shall be guilty of a high misdemeanor, and upon conviction in any court of record having jurisdiction of the offence, shall be fined a sum not less than two hundred dollars nor more than one thousand dollars, and confined and imprisoned for a period not less than one year nor more than five years. Recruiting soldiers or sailors to serve against the United States punishable.

SEC. 2. *And be it further enacted*, That the person so enlisted, or engaged as regular or volunteer, shall be fined in a like manner a sum of one hundred dollars, and imprisoned not less than one nor more than three years. Those enlisting punishable.

APPROVED, August 6, 1861.

CHAP. LVII. — *An Act to promote the Efficiency of the Engineer and Topographical Engineer Corps, and for other Purposes.* August 6, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be added to each of the corps of engineers, and topographical engineers, by regular promotion of their present officers, two lieutenant-colonels and four majors. 1863, ch. 78. Post, p. 743.  
Increase of field-officers in corps of engineers and topographical engineers.

SEC. 2. *And be it further enacted*, That there shall be added to the corps of topographical engineers one company of soldiers, to be commanded by appropriate officers of said corps, to have the same pay and rations, clothing, and other allowances, and to be entitled to the same benefits in every respect as the company created by the act for the organ- Company of soldiers added to topographical engineers.

1846, ch. 21.  
Vol. ix. p. 12.

ization of a company of sappers and miners, and pontoniers, approved May *sixteenth*, [fifteenth] eighteen hundred and forty-six. The said company shall be subject to the rules and articles of war, and shall have the same organization as the companies of engineer soldiers attached to the corps of engineers.

Vacancies in commissioned officers of volunteers, how filled.

SEC. 3. *And be it further enacted*, That vacancies hereafter occurring among the commissioned officers of the volunteer regiments shall be filled by the Governors of the States respectively in the same manner as original appointments. And so much of the tenth section of the act approved July twenty-second, eighteen hundred and sixty-one, as is inconsistent herewith be, and the same is hereby, repealed.

1861, ch. 9, § 10.  
*Ante*, p. 270.

Two additional inspectors-general authorized.

SEC. 4. *And be it further enacted*, That the President of the United States is hereby authorized to appoint two additional inspectors-general for the United States army; said inspectors-general to have the same rank and receive the same pay and allowances as now provided by law for inspectors-general.

Superintendents of national armories to be ordnance officers.  
1854, ch. 267,  
§ 1.  
Vol. x. p. 578.

SEC. 5. *And be it further enacted*, That so much of the first section of the act approved August fifth, eighteen hundred and fifty-four, as authorizes the appointment of civilians to superintend the national armories be, and the same is hereby, repealed, and that the superintendents of these armories shall be appointed hereafter from officers of the Ordnance Department.

APPROVED, August 6, 1861.

August 6, 1861.

CHAP. LVIII. — *An Act to authorize an Increase in the Corps of Engineers and Topographical Engineers.*

Increase of field officers in corps of engineers and topographical engineers.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be added to each of the corps of engineers and topographical engineers, by regular promotion of their present officers, two lieutenant-colonels and four majors.

Company of soldiers added to topographical engineers.

SEC. 2. *And be it further enacted*, That there shall be added to the corps of topographical engineers one company of soldiers, to be commanded by appropriate officers of said corps, to have the same pay and rations, clothing, and other allowances, and to be entitled to the same benefits in every respect as the company created by the act for the organization of a company of sappers and miners, and pontoniers, approved May *sixteenth*, [fifteenth] eighteen hundred and forty-six. The said company shall be subject to the rules and articles of war, and shall have the same organization as the companies of engineer soldiers attached to the corps of engineers.

1846, ch. 21.  
Vol. ix. p. 12.

Two additional inspectors-general authorized.

SEC. 3. *And be it further enacted*, That the President of the United States is hereby authorized to appoint two additional inspectors-general of the United States army, to have the same rank and receive the same pay and allowances as now provided by law for inspectors-general.

APPROVED, August 6, 1861.

August 6, 1861.

CHAP. LIX. — *An Act to provide for holding the District and Circuit Courts in Judicial Districts during a temporary Vacancy of the Judgeship.*

In case of temporary vacancy in office of district judge, in a State where there are two judicial districts, how courts are to be held.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in case of a vacancy in the office of district judge of any judicial district of the United States in any State in which there are two judicial districts, it shall be lawful for the district judge of the other district in said State to hold the district court or circuit court in case of sickness or the absence of the circuit judge, and discharge all the judicial duties of the district judge of such vacant district so long as such vacancy shall continue; and all the acts and proceedings in said courts, or by or before the said district judge of



the adjoining district, shall have the same force, effect, and validity as if done and transacted by and before a judge appointed for such district.

APPROVED, August 6, 1861.

CHAP. LX. — *An Act to confiscate Property used for Insurrectionary Purposes.*

August 6, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if, during the present or any future insurrection against the Government of the United States, after the President of the United States shall have declared, by proclamation, that the laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law, any person or persons, his, her, or their agent, attorney, or employé, shall purchase or acquire, sell or give, any property of whatsoever kind or description, with intent to use or employ the same, or suffer the same to be used or employed, in aiding, abetting, or promoting such insurrection or resistance to the laws, or any person or persons engaged therein; or if any person or persons, being the owner or owners of any such property, shall knowingly use or employ, or consent to the use or employment of the same as aforesaid, all such property is hereby declared to be lawful subject of prize and capture wherever found; and it shall be the duty of the President of the United States to cause the same to be seized, confiscated, and condemned.

When property used in aiding insurrection may be confiscated.

SEC. 2. *And be it further enacted,* That such prizes and capture shall be condemned in the district or circuit court of the United States having jurisdiction of the amount, or in admiralty in any district in which the same may be seized, or into which they may be taken and proceedings first instituted.

In what courts to be condemned.

SEC. 3. *And be it further enacted,* That the Attorney-General, or any district attorney of the United States in which said property may at the time be, may institute the proceedings of condemnation, and in such case they shall be wholly for the benefit of the United States; or any person may file an information with such attorney, in which case the proceedings shall be for the use of such informer and the United States in equal parts.

Who to institute proceedings for condemnation, and for whose use.

SEC. 4. *And be it further enacted,* That whenever hereafter, during the present insurrection against the Government of the United States, any person claimed to be held to labor or service under the law of any State, shall be required or permitted by the person to whom such labor or service is claimed to be due, or by the lawful agent of such person, to take up arms against the United States, or shall be required or permitted by the person to whom such labor or service is claimed to be due, or his lawful agent, to work or to be employed in or upon any fort, navy yard, dock, armory, ship, entrenchment, or in any military or naval service whatsoever, against the Government and lawful authority of the United States, then, and in every such case, the person to whom such labor or service is claimed to be due shall forfeit his claim to such labor, any law of the State or of the United States to the contrary notwithstanding. And whenever thereafter the person claiming such labor or service shall seek to enforce his claim, it shall be a full and sufficient answer to such claim that the person whose service or labor is claimed had been employed in hostile service against the Government of the United States, contrary to the provisions of this act.

When claims to persons held to service and labor to be forfeited.

APPROVED, August 6, 1861.

CHAP. LXI. — *An Act relative to Appeals to the Supreme Court of the United States.*

August 6, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases of appeal,

In appeals to federal Supreme Court by both parties, a transcript of the record filed by either party may be used in both appeals.

which have been or may hereafter be duly taken by both parties from the judgment or decree of any district or circuit court to the Supreme Court of the United States, a transcript of the record filed in the Supreme Court of the United States by either party on his appeal may be used on both appeals; and whenever in such cases one record shall have been, or may hereafter be, filed by either party in the said Supreme Court, both appeals shall be heard thereon by the court in the same manner as if records had been filed by the appellants in both cases.

Federal district attorneys in California may certify, &c., records in land cases.

SEC. 2. *And be it further enacted,* That the district attorney of the United States of any district in California may transcribe and certify to the Supreme Court of the United States the records of the district court of his proper district in all land cases wherein the United States is a party, upon which appeals have been or may be taken to the Supreme Court of the United States; and records so certified by such district attorney under his hand, and filed in the Supreme Court of the United States, shall be taken as true and valid transcripts, to the same intent and purpose as if certified by the clerk of the proper district court; and the said district attorneys for the districts of California shall be authorized to employ such clerks, not exceeding three in number, as may be necessary to transcribe such records, at a compensation, for each of such clerks, not exceeding one hundred and fifty dollars per month, which shall be paid out of the appropriation for special and other extraordinary expenses of California land claims; and it shall be the duty of the clerk of any district court in California, on request of the district attorney of that district, to deliver to him the records in the cases before-mentioned on which appeals have been or may be taken, for the purpose of having them transcribed; and upon refusal or failure to do so, such clerk shall forfeit and pay to the United States the sum of five thousand dollars for each offence, to be recovered in an action of debt in any court of competent jurisdiction; and such clerk shall, moreover, be incapable of holding his said office of clerk, or any office under the United States.

Effect of such transcript of record.

Such attorneys may employ clerks.

Duty of clerks of courts in such cases.

Penalty.

APPROVED, August 6, 1861.

August 6, 1861. 1862, ch. 181. Post, p. 578.

CHAP. LXII.—*An Act to create a Metropolitan Police District of the District of Columbia, and to establish a Police therefor.*

Metropolitan Police District of the District of Columbia established.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Corporations of Washington and Georgetown, and the county of Washington, outside of the limits of said corporations, are hereby constituted, for the purposes of this act, into one district, to be called "The Metropolitan Police District of the District of Columbia."

Board of Police, who constitute and how appointed.

SEC. 2. *And be it further enacted,* That immediately upon the passage of this act, and thereafter from time to time, as required by this act, there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, five Commissioners of Police, who shall be the chief officers of the said "Metropolitan Police District," and who shall severally possess and perform therein the powers and duties authorized and enjoined by this act. The said commissioners, together with the mayors of the cities of Washington and Georgetown, ex officio, shall form the board of police for the said district, and a majority of them shall constitute a quorum of such board for the transaction of business.

Quorum.

Appointment.

Term of office.

How qualified.

SEC. 3. *And be it further enacted,* That three of said commissioners shall be appointed from the city of Washington, one from Georgetown and one from the county of Washington at large, for the term of three years, and until their successors are appointed and qualified, unless sooner removed by the President. The said commissioners shall meet at such time and place as may be designated by the President of the United States; and after being duly qualified, by taking and subscribing an oath

or affirmation before some person duly authorized to administer oaths in said District, to support the Constitution of the United States, and faithfully to discharge the duties of his office, shall proceed to discharge such duties as [are] prescribed by this act.

SEC. 4. *And be it further enacted,* That the officers of the board of police shall be a president and a treasurer, who shall each be selected from among said commissioners by themselves, who shall discharge such duties as the board may prescribe. The treasurer shall give a bond, with two sureties, to the satisfaction of said board, in the penal sum of ten thousand dollars, for the faithful discharge of the duties of his office. The board may also appoint a clerk, to hold his office during the pleasure of the board, and to receive a compensation to be fixed by the board, not to exceed the rate of one thousand dollars per annum, and who shall perform such duties as may be required by said board of police.

Officers of board of police.

Bond of treasurer.

Clerk; salary.

SEC. 5. *And be it further enacted,* That it shall be the duty of the board of police hereby constituted, at all times of the day and night, within the boundaries of the said police district, to preserve the public peace; to prevent crime, and arrest offenders; to protect the rights of persons and of property; to guard the public health; to preserve order at every public election; to remove nuisances existing in the public streets, roads, alleys, highways, and other places; to provide a proper police force at every fire, in order that thereby the firemen and property may be protected; to protect strangers and travellers at steamboat and ship landings and railway stations; to see that all laws relating to the observance of Sunday, and regarding pawnbrokers, mock auctions, elections, gambling, intemperance, lottery dealers, vagrants, disorderly persons, and the public health, are promptly enforced, and to enforce and obey all laws and ordinances of the city councils of the cities of Washington and Georgetown which are properly applicable to police or health, and not inconsistent with the provisions of this act.

Duty of board of police.

SEC. 6. *And be it further enacted,* That the duties of the board of police shall be more especially executed under the direction and control of said board, and according to rules and regulations which it is hereby authorized to pass, from time to time, for the proper government and discipline of its subordinate officers, by a police force for the whole of said police district, and authorized to do duty in any part thereof, without regard to residence or corporation lines.

Board may pass rules and regulations.

Police may act throughout the district.

SEC. 7. *And be it further enacted,* That the said police force shall consist of a superintendent of police, ten sergeants of police, and such number of police patrolmen as the board may deem necessary, not exceeding, for the regular service, one hundred and fifty. The said offices hereby created for the said police force shall be severally filled by appointment from the board of police; and each person so appointed shall hold office only during such time as he shall faithfully observe and execute all the rules and regulations of the said board, the laws of the United States, and the laws or ordinances existing within the District, enacted by the city or county authorities within the same, and which laws or ordinances apply to such part of the District where the members of the police force may be on duty.

Police force, of what to consist.

Officers, how appointed; tenure of office.

SEC. 8. *And be it further enacted,* That the qualifications, enumeration, and distribution of duties, mode of trial, and removal from office, of each officer of said police force shall be particularly defined and prescribed by rules and regulations of the board of police, in accordance with the Constitution and laws of the United States applicable thereto: *Provided, however,* That no person shall be so appointed to office, or hold office in the police force aforesaid, who cannot read and write the English language, or who is not a citizen of the United States, or who shall ever have been indicted and convicted of crime: *And provided,* That no person shall be removed therefrom except upon written charges preferred against him to

Qualifications, duties, removal, &c.

Proviso.

Proviso.

the board of police, and after an opportunity shall have been afforded him of being heard in his defence.

Authority of police.

SEC. 9. *And be it further enacted,* That the members of the said police force shall possess, in every part of the District of Columbia, all the common law and statutory powers of constables, except for the service of civil process; and any warrant for search or arrest, issued by any magistrate of said District of Columbia, may be executed in any part of said district by any member of said police force, without any backing or indorsement of the said warrant, and according to the terms thereof; and all the provisions of law in relation to the giving and taking of bail in said district shall apply to this act. The superintendent of police and the sergeants of police, having just cause to suspect that any felony has been, or is being, or is about to be, committed within any building, or on board of any ship, boat or vessel within the said district, may enter upon the same at all hours of day or night, to take all necessary measures for the effectual prevention or detection of all felonies, and may take then and there into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect has been stolen.

Power to serve warrants.

Bail.

In cases of suspected felony.

District may be divided into precincts.

SEC. 10. *And be it further enacted,* That the board of police may divide the said district into precincts, not exceeding ten, and may assign one sergeant of police to each of said precincts. The board may, from time to time, establish a station or sub-station in each precinct for the accommodation of the police force on duty therein. It may, from time to time, detail and change, without regard to or limitation of residence, the sergeants or patrolmen to such parts of the district, or to such of the police or criminal courts, and to the public offices of the Government of the United States, or of the cities of Washington and Georgetown, as it may deem advisable. It shall promulgate all regulations and orders through the superintendent of police, who shall take the place of the Mayor of the city of Washington or Georgetown, as being the head of the police departments or force in the said cities, but always subject to the orders and regulations of the board of police; and it shall be the duty of the police force to respect and obey the said superintendent of police, as the head and chief of the same, subject to the rules and regulations and general orders of the board of police.

Stations, details for duty.

Orders how promulgated.

Superintendent of police, authority, &c. of.

Board of police may employ additional patrolmen,

at whose expense, &c.

SEC. 11. *And be it further enacted,* That the board of police, whenever it shall see fit, shall, on the application of any person or persons, showing the necessity thereof, appoint and swear any additional number of patrolmen to duty at any place within the said district, at the charge and expense of the person or persons by whom the application shall be made, (but not to exceed the yearly sum provided for patrolmen of the force provided by this act as the general police force,) and the patrolmen so appointed shall be subject to the orders of the board of police, and shall obey the rules and regulations of the board, and conform to its general discipline and to such other special regulations as may be made, and shall wear such dress or emblem as the board may direct, and shall, during the term of their holding appointment, possess all the powers, privileges, and duties of the patrol force heretofore prescribed. The persons so employed may be removed at any time by the board of police, without assigning cause thereof, upon one month's notice of the intention so to do, given to the person or persons who applied for the appointment aforesaid.

Special patrolmen; powers and duties.

SEC. 12. *And be it further enacted,* That the board of police may also, upon any emergency of riot, pestilence, invasion, insurrection, or during any day of public election, ceremony or celebration, appoint as many special patrolmen, without pay, from among the citizens as it may deem advisable, and for a specified time, and during the term of service of such special patrolmen, he shall possess all the powers and privileges, and per-

form all the duties of the patrolmen of the standing police force of the District. And such special patrol shall wear an emblem, to be presented by the police commissioners. Badge.

SEC. 13. *And be it further enacted*, That no member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have given one month's notice thereof, in writing, to the superintendent of police; and no person who shall ever have been removed from the police force established by this act, for cause, shall be reappointed by the board of police to any office in the said police force. Resignation of policemen.

SEC. 14. *And be it further enacted*, That all stolen property taken by the members of the police force shall be kept in a place and by a person to be designated by the board of police. Every such article of property shall be entered in a book kept for the purpose, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with the general circumstances, and the date of its receipt, and the name of the officer recovering the same. The board of police shall also cause to be kept general complaint books, in which shall be entered every complaint preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant. It shall also cause to be kept books of registry of lost, missing, or stolen property, for the general convenience of the public and of the police of the district. It shall also cause to be kept books of records of the police, wherein shall be entered the name of every member of the police force, with his time and place of nativity, and the time when he became a citizen if he was born out of the United States; his age; his former occupation; number and residence of family; the date of appointment or dismissal from office, with the cause of the latter. And in every such record sufficient space shall be left against all such entries, wherein to make record of the number of arrests made by such member of the police force, or of any special services deemed meritorious by the commissioner. It shall also cause to be kept in proper books the accounts of the treasurer of the board, and number of the several meetings thereof, and all receipts of moneys, or warrants or checks for moneys, shall be written in books kept for the purpose, and the said receipts signed by the person or persons in every case receiving money, warrants, or checks from the treasurer. All such books shall be, at all business hours, and when not in actual use, open to public inspection. The board of police shall also cause to be kept and bound all police returns and reports of the district. Who may not be reappointed.  
Custody of stolen property.

SEC. 15. *And be it further enacted*, That it shall be the duty of the common councils of the cities of Washington and Georgetown to provide at the expense of said cities, respectively, all necessary accommodations within their respective limits, for the station-houses required by the board of police, for the accommodation of the police force, for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offences, and the same suitably to warm and light. In case the said common councils, or either of them, neglect or refuse to do so, after having been thereto requested by the board of police, then the said board may make their own provisions in the premises, and the same, when made, shall become a proper charge and debt for the expenses and disbursements thereof against the said city or cities whose common councils have so neglected or refused to make provision as aforesaid. General complaint books.

SEC. 16. *And be it further enacted*, That in every case of arrest, the same shall be made known within six hours thereafter to the sergeant of police on duty in the precinct in which the arrest is made, by the person making the same; and it shall be the duty of the said sergeant of police, within twelve hours after such notice, to make written return thereof, according to the rules and regulations of the board of police, Registry of lost, &c., property.  
Records of police, contents.  
Treasurer's account.  
Books to be open to public inspection.  
Police reports and returns.  
Cities of Washington and Georgetown to provide station-houses, &c.  
Provision in case the city councils neglect or refuse so to do

SEC. 16. *And be it further enacted*, That in every case of arrest, the same shall be made known within six hours thereafter to the sergeant of police on duty in the precinct in which the arrest is made, by the person making the same; and it shall be the duty of the said sergeant of police, within twelve hours after such notice, to make written return thereof, according to the rules and regulations of the board of police, In cases of arrest.

together with the name of the party arrested, the offence, the place of arrest, and the place of detention. The board of police shall provide suitable accommodations within said district for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in premises other than those employed for the confinement of those charged with crime, fraud, or disorderly conduct; and it shall be the duty of all magistrates, in committing witnesses, to have regard to the rules and regulations of the board of police in reference to their detention.

Accommodations for detention of witnesses.

Telegraphic apparatus and public police property to be for use of board of police.

SEC. 17. *And be it further enacted*, That all telegraphic apparatus, public police property, books, records, and accoutrements, now in the possession of the police departments of the cities of Washington and Georgetown, are hereby given for the use of the board of police herein authorized; but the ownership of the same, and the use thereof as aforesaid, shall be according to the laws or ordinances which the city councils of said cities, respectively, in which said property is situated have enacted or may hereafter enact.

Expenses of criminal process, how borne.

SEC. 18. *And be it further enacted*, That the necessary expenses incurred in the execution of criminal processes within the said district shall be chargeable to the United States, as under existing laws.

Board of Health may call on police for aid.

SEC. 19. *And be it further enacted*, That the Board of Health, or proper health officer of the city of Washington or of Georgetown, shall have power to call upon any of the police force of the District to a number not exceeding six, to aid him, upon any necessary emergency, in enforcing the powers and duties conferred upon their office by law; and it shall be the duty of any such number of police so called upon to obey him; but such service shall not continue longer than twenty-four hours. The board of police shall at all times, cause the ordinances and laws of the cities of Washington and Georgetown to be properly enforced; and it shall be the duty of said board, at all times, when consistent with the rules and regulations of the board, and with the requirements of this act, to furnish all information desired and comply with all requests made by the city councils of said cities, or by the mayors thereof.

Limit of such service.

Ordinances and by-laws to be enforced.

Board of police may call for military assistance to aid the civil authorities.

SEC. 20. *And be it further enacted*, That the board of police is hereby invested with all the powers now conferred by law upon the mayors of Washington or of Georgetown in respect to ordering military assistance in aid of the civil authorities to quell riots, suppress insurrection, protect the property, and preserve the public tranquillity. The board of police shall have power to issue subpoenas, attested in the name of its president, to compel before it the attendance of witnesses upon any proceeding authorized by its rules and regulations. Each commissioner of police, the superintendent of police, and the clerk of the board of police, are hereby given power to administer, take, receive, and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter or proceeding authorized, as aforesaid, and to any depositions necessary by the rules and regulations of the board of police. Any wilful and corrupt false swearing by any witness or person making deposition before any of the officers last mentioned, to any material fact in any necessary proceeding under the said rules and regulations, shall be deemed perjury, and punished in the manner now prescribed by law for such offence.

May compel attendance of witnesses.

Who may administer, &c., oaths.

What shall be perjury.

Penalty for using personal violence upon any elector or member of the police, &c.

SEC. 21. *And be it further enacted*, That it shall be a misdemeanor, punishable by imprisonment in the county jail or penitentiary not exceeding two years, or by a fine not exceeding five hundred dollars, for any person without justifiable or excusable cause, to use personal violence upon any elector in said district, or upon any member of the police force thereof when in the discharge of his duty, or for any such member to neglect making any arrest for an offence against the law of the United States committed in his presence, or for any person, not a member of the police force, to falsely represent himself as being such member, with a fraudulent design.

SEC. 22. *And be it further enacted,* That the treasurer of the board of police shall receive a stated salary of six hundred dollars per annum, and each commissioner shall receive an allowance of five dollars per day for each day of actual attendance upon the meetings or business of the board, not to exceed, however, to each commissioner (the treasurer excepted) two hundred and fifty dollars per annum; and no other compensation shall be paid or allowed to the members of the board. The superintendent of police shall receive a salary of fifteen hundred dollars per annum, each sergeant of police six hundred dollars per annum, and each police patrolman forty dollars per month, as compensation for their services, respectively.

Pay of commissioners, treasurer, superintendent, officers and men.

SEC. 23. *And be it further enacted,* That from and after the first meeting of the board of police, under the provisions of this act, it shall possess all the power and authority heretofore conferred by law upon the auxiliary guard of the city of Washington, established by an act entitled "An Act to establish an auxiliary watch for the protection of public and private property in the city of Washington," approved August twenty-three, eighteen hundred and forty-two, and all acts in amendment thereto, and said auxiliary guard or watch is hereby abolished; and said board of police shall also possess all the power and authority heretofore conferred by law upon the mayor or any other officer or officers of the cities of Washington and Georgetown respectively, as the heads therein of the respective police departments or organizations of those cities, which power or authority shall relate to or in any way be connected with the police government or police discipline within either of said cities; and from and after the said first meeting and due organization of said board of police, the duty and authority and power of each and all of the aforementioned officers in relation to the police government, appointment, and discipline, shall wholly cease and vest as aforesaid in the said board of police constituted by this act, except that the mayors of Washington and Georgetown shall be, with the commissioners, members ex-officio of the board of police, and entitled to one vote each at every session thereof when present at its meetings.

Auxiliary guard abolished, &c.

1842, ch. 184. Vol. v. p. 511.

Authority of board of police.

SEC. 24. *And be it further enacted,* That the superintendent of police shall make to the board of police quarterly reports in writing of the state of the police district, with such statistics and suggestions as he may deem advisable for the improvement of the police government and discipline of said district; and the board of police shall annually, on or before the first Monday in November, report in writing the condition of the police within said district to the Secretary of the Interior.

Superintendent of police to make quarterly report.

Board to make annual report.

SEC. 25. *And be it further enacted,* That no member of the board of police, or of the police force, shall receive or share in, for his own benefit, under any pretence whatever, any present, fee, or emolument, for police services, other than the regular salary and pay provided by this act, except by consent of the board of police.

Board of police and police, not to receive fees, &c., unless, &c.

SEC. 26. *And be it further enacted,* That all rewards, fees, proceeds of gifts, and emoluments that may be allowed by the board of police to be paid and given for extraordinary services of any member of the police force, and all moneys arising from the sale of unclaimed goods, shall constitute the "policeman's fund," of which the board of police shall be the trustee, and may invest as they shall see fit. And whenever any member of the police force, in the actual discharge of his duty, shall become bodily disabled, his necessary expenses, on the certificate of a competent surgeon, stating the manner, cause, and condition of the injury, and approved by the board of police, during the time of his disabling, as aforesaid, continues, may become a charge upon the said fund. But the board of police may discontinue said allowance for any satisfactory reason.

Rewards, &c., to constitute the "Policeman's fund."

Who may enjoy the fund.

SEC. 27. *And be it further enacted,* That the board of police shall require and make suitable provisions respecting security to be entered into

Board to make regulations as to

security to be given by the superintendent, &c. and as to an oath of office.

Appropriation.

1861, ch. 44.  
Ante, p. 144.

Repealing clause.

by the superintendent of police and by the sergeants of police, and for the taking by members of the police force of an oath of office, and the registry of the same, which oath of office may be taken before any commissioner of police, who is hereby empowered to administer the same.

SEC. 28. *And be it further enacted*, That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect, including the payment of salaries and all other necessary charges and expenses of the "Metropolitan Police," for the year ending June thirty, eighteen hundred and sixty-two, in addition to the balance of the appropriation made by the act approved February twenty, eighteen hundred and sixty [one,] "for the compensation of the auxiliary guard, and one lieutenant, and for fuel, oil, and lamps, and for twenty policemen," which balance is hereby directed to be applied to the purposes of this act, the sum of sixty thousand dollars.

SEC. 29. *And be it further enacted*, That all statutes, parts of statutes, and provisions of law inconsistent with the provisions of this act, are hereby repealed.

APPROVED, August 6, 1861.

August 6, 1861.

CHAP. LXIII. — *An Act to increase the Pay of the Privates in the Regular Army and in the Volunteers in the Service of the United States, and for other Purposes.*

Pay of privates in regular army.  
Post, p. 594.

When pay of volunteers to commence.

1861, ch. 16.  
Ante, p. 274.

Acts, proclamations, and orders of the President legalized.

Procl. Nos. 3-7.  
Post, pp. 1258-1261.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the pay of the privates in the regular army and volunteers in the service of the United States be thirteen dollars per month for three years from and after the passage of this act and until otherwise fixed by law.

SEC. 2. *And be it further enacted*, That the provisions of the act entitled "An Act for the Relief of the Ohio and other Volunteers," approved July twenty-fourth, eighteen hundred and sixty one, be and the same are hereby extended to all volunteers mustered into the service of the United States, whether for one, two, or three years, or for and during the war.

SEC. 3. *And be it further enacted*, That all the acts, proclamations, and orders of the President of the United States after the fourth of March, eighteen hundred and sixty-one, respecting the army and navy of the United States, and calling out or relating to the militia or volunteers from the States, are hereby approved and in all respects legalized and made valid, to the same intent and with the same effect as if they had been issued and done under the previous express authority and direction of the Congress of the United States.

APPROVED, August 6, 1861.

August 6, 1861.

CHAP. LXIV. — *An Act requiring an Oath of Allegiance, and to Support the Constitution of the United States, to be administered to certain Persons in the civil Service of the United States.*

Persons in the civil service of the government to take oath of allegiance.

Form of oath.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the heads of the several departments to cause to be administered to each and every officer, clerk, or employé, now in their respective departments, or in any way connected therewith, or who shall hereafter in any way become connected therewith, the following oath, viz.: "I do solemnly swear (or affirm, as the case may be) that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State Convention or Legislature to the contrary notwithstanding; and, further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever; and, further, that



I will well and faithfully perform all the duties which may be required of me by law. So help me God." And that each and every such civil officer and employé, in the departments aforesaid, or in any way connected therewith, in the service or employment of the United States, who shall refuse to take the oath or affirmation herein provided, shall be immediately dismissed and discharged from such service or employment. Penalty for refusal to take the oath.

SEC. 2. *And be it further enacted*, That the oath or affirmation, herein provided for in the first section of this act, may be taken before any justice of the peace, or notary public, or other person who is legally authorized to administer an oath in the State or District where the same may be administered. And that any violation of such oath by any person or persons taking the same shall subject the offender to all the pains and penalties of wilful and corrupt perjury, who shall be liable to be indicted and prosecuted to conviction for any such offence before any court having competent jurisdiction thereof: *And provided further*, That such offender shall be forthwith discharged from such service or employment. Before whom oath may be taken.

Violation of oath to subject offender to penalties of perjury, and discharge from service.

APPROVED, August 6, 1861.

CHAP. LXV. — *An Act explanatory of an Act entitled "An Act concerning the Attorney-General and the Attorneys and Marshals of the several Districts."* August 6, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That nothing in the act of which this act is explanatory shall be construed to repeal, modify, or in any way affect any law, now in force, defining or regulating the duties of the Solicitor of the Treasury. Solicitor of Treasury not affected by act 1861, ch. 37. Ante, p. 285.

APPROVED, August 6, 1861.

CHAP. LXVI. — *An Act to provide for the Repairs of the Long Bridge across the Potomac River.* August 6, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of twenty thousand dollars be, and the same is hereby, appropriated for the repair of the present Long Bridge across the Potomac River. Appropriation. Repairs of Long Bridge.

APPROVED, August 6, 1861.

CHAP. LXVII. — *An Act authorizing the Secretary of War to pay the Volunteers, who, under the Command of Charles W. White, and by Order of Brigadier-General T. A. Morris, enlisted to protect the Railroad Bridges and other Property, in the Vicinity of Oakland, Alleghany County, Maryland.* August 6, 1861.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the commissioned officers, non-commissioned officers, musicians, and privates who served as a Home Guard for the protection of the railroad bridge and other property, near Oakland, Alleghany County, Maryland, under command of Captain Charles W. White, and were called into service by order of Brigadier-General T. A. Morris, and to make to them just and reasonable compensation for the failure of the officer of the Government of the United States to furnish to them rations, clothing, and other supplies during their service: *Provided*, the amount to be paid shall not exceed the amount to which, for similar service, and like rations, clothing, and supplies, volunteers, regularly mustered into service under the President's proclamation of May third, one thousand eight hundred and sixty-one, would be equitable entitled. Certain volunteers in Alleghany county, Maryland, to be paid.

Proviso.

APPROVED, August 6, 1861.

## RESOLUTIONS.

July 24, 1861. [No. 1.] *Joint Resolution authorizing the Appointment of Examiners to examine a Steam Floating Battery at Hoboken, New Jersey.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be authorized to appoint a board of examiners to examine the iron steam battery now building at Hoboken, New Jersey, and ascertain what will be the cost of completing the same, how soon it can be completed, and the expediency thereof, and report thereon for the next meeting of Congress.

APPROVED, July 24, 1861.

Examination  
of Iron Steam  
Battery at Hoboken.

July 27, 1861. [No. 2.] *A Resolution relative to the Exhibition of the Industry of all Nations to be holden in London in the year eighteen hundred and sixty-two.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be, and he hereby is, authorized to take such measures as shall to him seem best to facilitate a proper representation of the industrial interests of the United States at the exhibition of the industry of all nations to be holden at London in the year eighteen hundred and sixty-two; and the sum of two thousand dollars is hereby appropriated for the incidental expenses thereof.

APPROVED, July 27, 1861.

Industrial Exhibition at London.

August 5, 1861. [No. 3.] *A Resolution requesting the President of the United States to recommend a Day of Public Humiliation, Fasting, and Prayer.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That a joint committee of both Houses wait on the President of the United States and request that he recommend a day of public humiliation, prayer, and fasting, to be observed by the people of the United States with religious solemnity, and the offering of fervent supplications to Almighty God for the safety and welfare of these States, His blessings on their arms, and a speedy restoration of peace.

APPROVED, August 5, 1861.

Public Fast.

August 6, 1861. [No. 5.] *A Resolution authorizing an Examination of James' Projectiles for rifled Cannon.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he hereby is, authorized to allow Charles T. James, of Providence, Rhode Island, to rifle one of the large ordinary navy guns made for throwing round shot, and to have it tested sufficiently to settle the question of its capacity to use rifled projectiles without danger; and also to direct such experiments as may be sufficient to ascertain the relative and comparative value of said projectile and cannon thus rifled.

APPROVED, August 6, 1861.

An ordinary navy gun to be rifled by Mr. James, and tested with rifled projectiles.