

Medical purveyors and storekeepers to give bonds.

SEC. 16. *And be it further enacted*, That medical purveyors and storekeepers shall give bonds in such sums as the Secretary of War may require with security to be approved by him.

APPROVED, July 17, 1862.

July 17, 1862.

CHAP. CCII. — *An Act to allow and pay to the State of Missouri the Amount of Money expended by said State in the arming and paying of Troops employed in the Suppression of Insurrection against the Laws of the United States.*

Missouri may credit against her quota of direct tax, under act 1861, ch. 45, money expended in arming, &c., State troops.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Missouri shall be entitled to a credit against the direct tax apportioned to said State by the "act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes," approved August fifth, eighteen hundred and sixty-one, for all sums of money expended by said State in the arming, equipping, subsisting and paying of troops organized under the ordinances of the convention of said State, passed during the year eighteen hundred and sixty-one, and employed in concert with the federal authorities in suppressing insurrection against the United States, and enforcing the laws thereof.

Ante, p. 295.

Commission to be appointed to examine and report the amount due.

SEC. 2. *And be it further enacted*, That, for the purpose of ascertaining the amount due to said State for moneys so expended, the Secretary of War shall, immediately after the passage of this act, by commission or otherwise, cause the accounts to be examined, and a report made to him of the amount due, which being approved by the Secretary of War, and by him certified to the Secretary of the Treasury, the amount thereof shall be allowed to said State, and deducted from the amount apportioned thereto by the aforesaid act, and the remainder only, if any, shall be collected as therein prescribed: *Provided*, That, in the adjustment of accounts under this act, no greater rate of compensation shall be allowed than was provided for by the laws of the United States applicable to the arming, equipping, subsisting, and payment of volunteers, in force at the time of the enrolment of such troops of Missouri.

Proviso.

Discount of 15 per cent. to be allowed if, &c.

SEC. 3. *And be it further enacted*, That if said State shall assume and pay into the treasury the balance of said direct tax, if any, at such time as may be fixed by the Secretary of the Treasury, or should said expenditures be found to be equal to the tax, the deduction or discount of fifteen per centum, as prescribed in the fifty-third section of the said recited act, shall be allowed on the whole amount thus apportioned.

APPROVED, July 17, 1862.

July 17, 1862.

CHAP. CCIII. — *An Act to suspend temporarily the Operation of an Act entitled "An Act to prevent and punish Fraud on the Part of Officers intrusted with making of Contracts for the Government," approved June two, eighteen hundred and sixty-two.*

Act of 1862, ch. 93, suspended until Jan. 1, 1863.
Ante, p. 411.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation of the act entitled "An act to prevent and punish frauds on the part of officers intrusted with making of contracts for the government," approved June two, eighteen hundred and sixty-two, be, and the same is hereby, suspended until the first Monday of January, eighteen hundred and sixty-three.

APPROVED, July 17, 1862.

July 17, 1862.

CHAP. CCIV. — *An Act for the better Government of the Navy of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the first

day of September next, the following articles be adopted, and put in force for the government of the navy of the United States :

Articles for the government of the navy.

ARTICLE 1. The commanders of all fleets, squadrons, naval stations, and vessels belonging to the navy, are strictly enjoined and required to show in themselves a good example of virtue, honor, patriotism, and subordination ; to be vigilant in inspecting the conduct of all who may be placed under their command ; to guard against and suppress all dissolute and immoral practices, and to correct all who may be guilty of them, according to the laws and regulations of the navy, upon pain of such punishment as a general court-martial may think proper to inflict.

Commanders of fleets, &c., duty, &c., of.

ARTICLE 2. The commanders of vessels and naval stations, to which chaplains are attached, shall cause divine service to be performed on Sunday, whenever the weather and other circumstances will allow it to be done ; and it is earnestly recommended to all officers, seamen, and others in the naval service, diligently to attend at every performance of the worship of Almighty God. Any irreverent or unbecoming behavior during divine service shall be punished as a general or summary court-martial shall direct.

Divine service.

ARTICLE 3. The punishment of death, or such other punishment as a court-martial shall adjudge, may be inflicted on any person in the naval service—

Punishment for

First. Who shall make, or attempt to make, or unite with, any mutinous assembly, or knowing of the same, or of any intended mutiny, shall not forthwith communicate it to his superior or commanding officer, or being withness to, or present at, any mutiny, shall not do his utmost to suppress it ;

Mutiny.

Second. Or shall disobey the lawful orders of his superior officer, or strike or assault, or attempt or threaten to strike or assault him, while in the execution of the duties of his office ;

Disobedience to, &c., superior officer.

Third. Or shall give, hold, or entertain any intercourse or intelligence to or with any enemy or rebel, without leave from the President of the United States, the Secretary of the Navy, the commander-in-chief of the fleet, or the commander of a squadron ; or, in case of a vessel acting singly, from his commanding officer ;

Intercourse, &c., with enemy.

Fourth. Or shall desert, or entice others to desert to an enemy or rebel ;

Desertion, & :

Fifth. Or shall receive any message or letter from an enemy or rebel, or be aware of the unlawful reception of such letter or message, and fail to take the earliest opportunity to inform his superior or commanding officer thereof ;

Receiving message, &c., from enemy, &c.

Sixth. Or shall, in time of war, desert or betray his trust, or entice or aid others to desert or betray their trust, or shall sleep upon his watch, or leave his station before regularly relieved ;

Sleeping upon watch in time of war.

Seventh. Or shall intentionally or wilfully suffer any vessel of the navy to be stranded or run upon rocks or shoals, or improperly hazarded, or shall wilfully or maliciously injure any vessel of the navy, or any part of her tackle, armament or equipment, whereby the safety of the vessel shall be hazarded, or the lives of the crew exposed to danger, or shall set on fire or otherwise unlawfully destroy any public property not then in the possession of an enemy, pirate, or rebel ;

Intentionally, &c., stranding a vessel of the navy, &c.

Eighth. Or shall strike, or attempt to strike, the flag to an enemy or rebel without proper authority, or when engaged in battle shall treacherously yield or pusillanimously cry for quarter ;

Striking the flag to an enemy or rebel, &c.

Ninth. Or shall in time of battle display cowardice, negligence, or disaffection, or withdraw from or keep out of danger to which he should expose himself ; or shall desert his duty or station, or entice others to do so ; or shall not properly observe the orders of his commanding officer and use his utmost exertions to carry them into execution, when ordered to prepare for, join in, or when actually engaged in battle, or while in sight of an enemy ;

Cowardice, &c., in battle.

Tenth. Or when commanding a fleet, squadron, or vessel acting singly, shall, upon the probability of an engagement, or on sight of any armed

Neglect to prepare his ship for action, &c.

vessel of an enemy or rebel, neglect to prepare and clear his ship for action ; or shall not, upon signal for battle, use his utmost exertions to join in battle, or shall fail to encourage in his own person his inferior officers and men to fight courageously ; or shall not do his utmost to overtake and capture or destroy any vessel which it is his duty to encounter ; or shall not afford all practicable relief and assistance to vessels belonging to the United States or their allies when engaged in battle.

Spies, &c., how punished.

ARTICLE 4. Spies, and all persons who shall come or be found in the capacity of spies, or who shall bring or deliver any seducing letter or message from an enemy or rebel, or endeavor to corrupt any person in the navy to betray his trust, shall suffer death, or such other punishment as a court-martial shall adjudge.

Murder.

ARTICLE 5. The crime of murder, when committed by an officer, seaman, marine, or other person belonging to any public ship or vessel of the United States, without the territorial jurisdiction of the same, may be punished with death by the sentence of a court-martial.

Punishment of imprisonment for life may be substituted for that of death.

ARTICLE 6. In any case where a naval court-martial is authorized to adjudge the punishment of death it may sentence the person convicted to imprisonment for life, or for a stated term, at hard labor, and such sentences of imprisonment and hard labor may be carried into execution in any prison or penitentiary under the control of the United States, or the use of which shall be allowed by the legislature of a State ; and persons convicted by a court-martial and imprisoned in the prison or penitentiary of any State or Territory shall in all respects be subject to the same discipline and treatment and under the same control as convicts sentenced by the courts of the State or Territory in which such prison or penitentiary is situated.

What prisons may be used.

Treatment of prisoners.

Punishment for

ARTICLE 7. Such punishment as a court-martial shall adjudge may be inflicted on any person in the navy :

Cruelty, &c.

First. Who shall be guilty of cruelty, oppression, or maltreatment of those subject to his orders ;

Profane swearing, falsehood, &c.

Second. Or shall be guilty of profane swearing, falsehood, drunkenness, gambling, fraud, theft, or any other scandalous conduct tending to the destruction of good morals ;

Assaults, challenges, &c.

Third. Or shall quarrel with, strike, or assault any other person in the navy, or use provoking or reproachful words, gestures, or menaces, or endeavor to foment quarrels between other persons in the navy, or send or accept a challenge to fight a duel, or act as second in a duel ;

Contempt, &c., of superior officer.

Fourth. Or shall treat with contempt his superior officer, or be disrespectful to him in language or deportment whilst in the execution of his office ; or shall join in or abet any combination to weaken the lawful authority of, or lessen the respect due to his commanding officer ;

Negligence.

Fifth. Or shall be negligent or careless in obeying orders, or culpably inefficient in the performance of duty ;

Fraud against the United States, embezzlement, &c.

Sixth. Or shall knowingly make or sign, or shall aid, abet, direct, or procure the making or signing of any false muster, or shall execute, or attempt or countenance any fraud against the United States, or shall waste, embezzle, or fraudulently buy, sell, or receive any ammunition, provisions, or other public stores, or, having the power to prevent it, shall knowingly permit such waste, embezzlement, sale, or receipt ;

Negligently suffering a vessel to be stranded.

Seventh. Or shall, through inattention or negligence, suffer any vessel of the navy to be stranded or run upon a rock or shoal, or hazarded ;

Abuse of people on shore, &c.

Eighth. Or shall, when on shore, plunder, abuse, or maltreat any inhabitant or injure his property in any way ;

Negligence in detecting, &c., offenders.

Ninth. Or shall refuse or fail to use his utmost exertions to detect, apprehend, and bring to punishment all offenders, and aid and assist all persons appointed for the purpose ;

Desertion, &c., in time of peace.

Tenth. Or shall, in time of peace, desert or attempt to desert, or aid or entice others to desert ; or shall be absent from his station or duty without leave, or after his leave shall have expired ;

Eleventh. Or shall, when rated or acting as master-at-arms, refuse to receive such prisoners as shall be committed to his charge, or having received them shall suffer them to escape, or dismiss them without orders from the proper authority; Master-at-arms refusing to receive prisoners.

Twelfth. Or shall, when attached to any ship or vessel appointed as convoy to merchant or other vessels, fail diligently to perform his duty, or shall demand or exact any compensation for his services, or shall maltreat the officers or crews of such merchant or other vessels; Failing to do duty as convoy.

Thirteenth. Or shall take, receive, or permit to be received on board the vessel to which he is attached any goods or merchandise for freight, sale, or traffic, except gold, silver, or jewels, for freight or safe-keeping, or shall demand or receive any compensation for the receipt or transportation of any other article than gold, silver, or jewels, without authority from the President of the United States or the Secretary of the Navy; Receiving goods on board for freight.

Fourteenth. Or shall violate or refuse obedience to any lawful general order or regulation issued by the Secretary of the Navy. Disobedience to general orders.

ARTICLE 8. All offences committed by persons belonging to the navy, which are not specified in the foregoing articles, shall be punished as a court-martial shall direct; but in no case shall punishment by flogging be inflicted, nor shall any court-martial adjudge punishment by flogging. Other offences not enumerated.

ARTICLE 9. All offences committed by persons belonging to the navy, while on shore, shall be punished in the same manner as if they had been committed at sea. Offences committed on shore.

ARTICLE 10. No commander of a vessel of the navy shall inflict any other punishment upon a commissioned or warrant officer than private reprimand, suspension from duty, arrest or confinement, neither of which shall continue longer than ten days, except a further period be necessary to bring the offender to a court-martial; nor shall he inflict, or cause or permit to be inflicted upon any petty officer or person of inferior rating, or marine, any punishment for a single offence or at any one time other than one of the following punishments, viz: Punishments a commander of a vessel may inflict.

First. Reduction of any rating established by himself.

Second. Confinement with or without irons, single or double, such confinement not to exceed ten days, unless necessary in the case of a prisoner to be tried by court-martial. Punishments for single offences.

Third. Solitary confinement on bread and water not exceeding five days.

Fourth. Solitary confinement not exceeding seven days.

Fifth. Deprivation of liberty on shore.

Sixth. Extra duties.

No other punishment shall be permitted on board of vessels belonging to the navy, except by sentence of a general or summary court-martial. Summary courts-martial may disrate any rated person for incompetency. All punishments inflicted by the commander, or by his order, except reprimands, shall be fully entered upon the ship's log. Disrating. Confinement.

ARTICLE 11. General courts-martial may be convened as often as the President of the United States, the Secretary of the Navy, or commander-in-chief of a fleet or a squadron shall deem it necessary: *Provided*, That in the waters of the United States no commander-in-chief of a fleet or squadron shall convene a general court-martial unless by express authority from the President of the United States: *Provided, also*, That no general court-martial shall consist of more than thirteen nor less than five commissioned officers as members; and as many officers shall be summoned on every such court as can be convened without injury to the service, so as not to exceed thirteen; and the senior officer shall always preside, the others taking place according to their rank; and in no case where it can be avoided without injury to the service shall more than one-half the members, exclusive of the president, be junior to the officer to be tried. Deprivation of liberty on shore. Extra duties. Summary courts-martial.

Provided, That no general court-martial shall consist of more than thirteen nor less than five commissioned officers as members; and as many officers shall be summoned on every such court as can be convened without injury to the service, so as not to exceed thirteen; and the senior officer shall always preside, the others taking place according to their rank; and in no case where it can be avoided without injury to the service shall more than one-half the members, exclusive of the president, be junior to the officer to be tried. Punishments to be entered on ship's log. General courts-martial, when may be summoned. Proviso.

ARTICLE 12. The president of the court is authorized and required to Of whom to consist.

ARTICLE 12. The president of the court is authorized and required to Who to preside.

Oath to judge
advocate.

administer the following oath or affirmation to the judge advocate or person officiating as such :

"I, A B, do swear (or affirm) that I will keep a true record of the evidence given to and the proceedings of this court; nor will I divulge or by any means disclose the sentence of the court until it shall have been approved by the proper authority; nor will I at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

Oath to mem-
bers.

This oath or affirmation being duly administered, each member of the court, before proceeding to trial, shall take the following oath or affirmation, which the judge advocate, or person officiating as such, is hereby authorized to administer :

"I, A B, do swear (or affirm) that I will truly try, without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the rules for the government of the navy, and my own conscience; and that I will not by any means divulge or disclose the sentence of the court until it shall have been approved by the proper authority, nor will I at any time divulge or disclose the vote or opinion of any particular member of the court unless required so to do before a court of justice in due course of law."

All testimony
to be upon oath.

ARTICLE 13. All testimony given to a general court-martial shall be on oath or affirmation, which the president of the court is hereby authorized to administer; and if any person shall refuse to give his evidence as aforesaid, or shall prevaricate, or shall behave with contempt to the court, it shall and may be lawful for the court to imprison such offender at their discretion: *Provided*, That the imprisonment in no case shall exceed two months. And every person who shall commit wilful perjury on examination on oath or affirmation before such court, or who shall corruptly procure, or suborn, any person to commit such wilful perjury, shall and may be prosecuted by indictment or information in any court of justice of the United States, and shall suffer such penalties as are authorized by the laws of the United States in cases of perjury, or the subornation thereof.

Contempt.

Perjury and
subornation of
perjury.

Indictments for
perjury to set
forth what.

And in every prosecution for perjury, or the subornation thereof under this act, it shall be sufficient to set forth the offence charged on the defendant, without setting forth the authority by which the court was held, or the particular matters brought or intended to be brought before said court.

Oath to wit-
nesses.

ARTICLE 14. The following oath shall be administered to witnesses before courts-martial and courts of inquiry :

"You do solemnly swear (or affirm, as the case may be) that the evidence you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, and that you will state everything within your knowledge and recollection in relation to the charges. So help you God," (or this you do under the pains and penalties of perjury.)

Copy of charges
to be furnished
accused.

Other charges
not to be urged
unless, &c.

ARTICLE 15. The person accused shall be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest; nor shall any other charges than those so exhibited be urged against the person to be tried before the court, unless it appear to the court that intelligence of such charge had not reached the officer ordering the court when the person so tried was put under arrest, or that some witness material to the support of such charge, who was at that time absent, can be produced, in which case reasonable time shall be given to the person to be tried to make his defence against such new charge. Every officer so arrested is to deliver up his sword to his commanding officer, and to confine himself to the limits assigned him, under the pain of dismissal from the ser-

Officers under
arrest to deliver
up sword, &c.

Proceedings of
general court-
martial not to be
suspended, &c.

ARTICLE 16. When the proceedings of any general court-martial shall have commenced, they shall not be suspended or delayed on account of the

absence of any of the members, provided five or more be assembled ; but the court is enjoined to sit from day to day, Sundays excepted, until sentence be given, unless temporarily adjourned by the authority which convened the court. And no member of said court shall, after the proceedings are begun, absent himself therefrom, unless in case of sickness or orders to go on duty from a superior officer, on pain of being cashiered.

Members not to absent themselves.

ARTICLE 17. If a member of a court-martial shall, from any legal cause, fail to attend after the commencement of a case, and witnesses shall be examined during his absence, the court must, when he is ready to resume his seat, cause every person who may have been examined in his absence to be called into court, and the recorded testimony of each witness must be read over to him, and such witness must acknowledge the same to be correct, and be subject to such further examination as the said member may require ; and without a compliance with this rule, and an entry of it upon the record, a member who shall have been absent during the examination of a witness shall not be allowed to sit again in that particular case.

Testimony of witnesses examined in his absence to be read to member on his return.

ARTICLE 18. Whenever a court-martial shall sentence an officer to be suspended, the court shall have the power to suspend his pay and emoluments for the whole or any part of the time of his suspension.

Sentence.

ARTICLE 19. All sentences of courts-martial which shall extend to the loss of life shall require the concurrence of two-thirds of the members present, and no such sentence shall be carried into execution until confirmed by the President of the United States. All other sentences may be determined by a majority of votes, and carried into execution on confirmation of the commander of the fleet, or officer ordering the court, except such as go to the dismissal of a commissioned or warrant officer, which are first to be approved by the President of the United States.

Certain sentences requiring concurrence of two-thirds of members present. Other sentences.

ARTICLE 20. Every officer who is by this act authorized to convene courts-martial shall have power on revival of its proceedings to remit or mitigate, but not to commute the sentence of any such court, which by this act he is authorized to approve and confirm.

Officer convening court may remit, &c., but not commute sentence.

ARTICLE 21. It shall be the duty of a court-martial, in all cases of conviction, to adjudge a punishment adequate to the character and nature of the offence committed ; but the members of a court may recommend the person convicted as deserving of clemency, and state on the record their reasons for so doing.

Punishment to be adequate to nature of offences.

ARTICLE 22. The judgment of every court-martial shall be authenticated by the signature of the president, and all the members of the same who may be present when the said judgment shall be pronounced, and also of the judge advocate.

Judgments of courts-martial, how authenticated.

ARTICLE 23. Courts of inquiry may be ordered by the President of the United States, the Secretary of the Navy, or the commander of a fleet or squadron, provided such court shall not consist of more than three members, who shall be commissioned officers, and a judge advocate, or person to do duty as such ; and such courts shall have power to summon witnesses, administer oaths, and punish contempt, in the same manner as courts-martial. But such court shall merely state facts, and not give their opinion unless expressly required so to do in the order for convening ; and the party whose conduct shall be the subject of inquiry, or his attorney, shall have permission to cross-examine all the witnesses.

Courts of inquiry, who may call ;

of whom to consist. Power of court.

ARTICLE 24. The proceedings of the courts of inquiry shall be authenticated by the signature of the president of the court and judge advocate, and shall, in all cases not capital, or extending to the dismissal of a commissioned or warrant officer, be evidence before a court martial, provided oral testimony cannot be obtained.

Proceedings, how authenticated.

ARTICLE 25. The judge advocate, or person officiating as such, shall administer to the members the following oath or affirmation :

Oath to members.

“ You do swear (or affirm) well and truly to examine and inquire,

according to the evidence, into the matter now before you, without partiality or prejudice."

Oath to judge advocate.

After which the president shall administer to the judge advocate, or person officiating as such, the following oath or affirmation :

" You do swear (or affirm) truly to record the proceedings of this court and the evidence to be given in the case in hearing."

Rights of captors in proceeds of vessels, &c., adjudged good prize.

SEC. 2. *And be it further enacted*, That the proceeds of all ships and vessels, and the goods taken on board of them, which shall be adjudged good prize, shall, when of equal or superior force to the vessel or vessels making the capture, be the sole property of the captors ; and when of inferior force, shall be divided equally between the United States and the officers and men making the capture.

Distribution of prize money.

SEC. 3. *And be it further enacted*, That the prize money belonging to the officers and men shall be distributed in the following manner :

Commander of fleet, &c.

First. To the commanding officer of a fleet or squadron, one twentieth part of all prize money awarded to a vessel or vessels under his immediate command.

Commander of single ship.

Second. To the commander of a single ship, one tenth part of all prize money awarded to the ship under his command, if such ship, at the time of making the capture, was under the immediate command of the commanding officer of a fleet or squadron, and three-twentieths if his ship was acting independently of such superior officer.

Others doing duty on board.

Third. The share of the commanding officer of the fleet or squadron, if any, and the share of the commander of the ship being deducted, the residue shall be distributed and apportioned among all others doing duty on board, and borne upon the books, according to their respective rates of pay in the service.

Apportionment among vessels within signal distance.

Fourth. When one or more vessels of the navy shall be within signal distance of another making a prize, all shall share in the prize, and money awarded shall be apportioned among the officers and men of the several vessels according to the rates of pay of all on board who are borne upon the books, after deducting one-twentieth to the flag-officer, if there be any such entitled to share.

Who not entitled to share of prize.

Fifth. No commander of a fleet or squadron shall be entitled to receive any share of prizes taken by vessels not under his immediate command ; nor of such prizes as may have been taken by ships or vessels intended to be placed under his command before they have acted under his immediate orders ; nor shall a commander of a fleet or squadron, leaving the station where he had the command, have any share in the prizes taken by ships left on such station after he has gone out of the limits of his said command, nor after he has transferred his command to a successor.

Persons temporarily absent, &c. may share prize money.

Sixth. No officer or other person who shall have been temporarily absent on duty from the vessel, on the books of which he continued to be borne while so absent, shall be deprived, in consequence of such absence, of any prize money to which he would otherwise be entitled.

Bounty for vessels destroyed, to be divided as prize money.

SEC. 4. *And be it further enacted*, That a bounty shall be paid by the United States for each person on board any ship or vessel-of-war belonging to an enemy at the commencement of an engagement which shall be sunk or otherwise destroyed in such engagement, by any ship or vessel belonging to the United States, or which it may be necessary to destroy in consequence of injuries sustained in action, of one hundred dollars, if the enemy's vessel was of inferior force ; and of two hundred dollars, if of equal or superior force ; to be divided among the officers and crew in the same manner as prize money ; and when the actual number of men on board any such vessel cannot be satisfactorily ascertained, it shall be estimated according to the complement allowed to vessels of their class in the navy of the United States ; and there shall be paid as bounty to the captors of any vessel-of-war captured from an enemy, which they may be instructed to destroy, or which shall be immediately destroyed for the

public interest but not in consequence of injuries received in action, fifty dollars for every person who shall be on board at the time of such capture.

SEC. 5. *And be it further enacted,* That the commanding officer of every vessel, or the senior officers of all vessels of the navy, which shall capture or seize upon any vessel or vessels as a prize, shall carefully preserve all the papers and writings found on board, and transmit the whole of the originals, unmutilated, to the judge of the district to which such prize is ordered to proceed, with the necessary witnesses, and a report of the circumstances attending the capture, stating the names of vessels claiming a share thereof; and the commanding officer of every vessel in the navy entitled to, or claiming an award of prize money shall, as early as practicable after the capture, transmit to the Navy Department a complete list of the officers and men of his vessel, entitled to share, inserting thereon the quality of every person rating, on pain of forfeiting his whole share of the prize money resulting from such capture, and suffering such further punishment as a court-martial shall adjudge.

Duty of commanders, &c., in cases of capture of vessels as prize.

SEC. 6. *And be it further enacted,* That any armed vessel in the service of the United States which shall make a capture, or assist in a capture, under circumstances which would entitle a vessel of the navy to prize money, shall be entitled to an award of prize money in the same manner as if such vessel belonged to the navy; and such prize money shall be distributed and apportioned in the same manner and under the same rules and regulations as provided for persons in the naval service, and paid under the direction of the Secretary of the Navy.

Armed vessels making capture to be entitled to prize money.

SEC. 7. *And be it further enacted,* That no person in the navy shall take out of a prize, or vessel seized as a prize, any money, plate, goods, or any part of her equipment, unless it be for the better preservation thereof, or absolutely necessary for the use of any of the vessels or armed forces of the United States, before the same shall be adjudged lawful prize by a competent court; but the whole, without fraud, concealment, or embezzlement, shall be brought in, and judgment passed thereon, upon pain that every person offending herein shall forfeit his share of the capture, and suffer such further punishment as a court-martial shall adjudge.

Property not to be removed from prize.

SEC. 8. *And be it further enacted,* That no person in the navy shall strip off the clothes, or pillage, or in any manner maltreat, persons taken on board a prize, on pain of such punishment as a court-martial shall adjudge.

Persons taken on board prizes, not to be maltreated.

SEC. 9. *And be it further enacted,* That all ransom money, salvage, bounty, or proceeds of forfeiture or confiscation, accruing or awarded to any vessel of the navy, shall be distributed and paid to the officers and men entitled thereto, in the same manner as prize money, under the direction of the Secretary of the Navy.

Ransom money, &c., to be distributed.

SEC. 10. *And be it further enacted,* That any person entitled to wages or prize money may have the same paid to his assignee, provided the assignment be attested by the captain and paymaster; and in case of the assignment of wages, the power shall specify the precise time they commence. But the commander of every vessel is required to discourage his crews from selling any part of their wages or prize money, and never to attest any power of attorney, until he is satisfied that the same is not granted in consideration of money given for the purchase of wages or prize money.

Assignment of wages or prize money.

SEC. 11. *And be it further enacted,* That all money accruing or which has already accrued to the United States from sale of prizes shall be and remain forever a fund for the payment of pensions to the officers, seamen, and marines who may be entitled to receive the same; and if the said fund shall be insufficient for the purpose, the public faith is hereby pledged to make up the deficiency; but if it should be more than

Prize money accruing to the United States, to remain a fund for pensions.

If fund is insufficient.

If there is a surplus.

District attorney in each district to give navy department list of prize cases.

To furnish monthly list.

Secretary of navy may employ counsel to protect interest of captors.

Post, p. 760.

Marshals to furnish to navy department statements of prize vessels and cargoes.

Of fees and allowances.

Fees for disbursements not to be allowed, unless, &c.

Sale.

Proceeds of sale to be deposited with the assistant treasurer of the United States.

Pay of district attorneys, marshals, and prize commissioners.

Pensions to disabled officers, seamen, &c.

Authority of officers to continue over crew, although vessel, &c., is lost.

sufficient, the surplus shall be applied to the making of further provision for the comfort of the disabled officers, seamen, and marines.

SEC. 12. *And be it further enacted*, That the district attorneys of the several districts of the courts of the United States, in which any cases of prize are, or may be depending, shall, as soon as may be after the passage of this act, furnish to the Navy Department a complete list of all the prize cases which have been determined, or may still be pending within their respective districts, with a statement of the condition of each, in such form and embracing such particulars as the Secretary of the Navy may require, and shall, as often as once in each month, thereafter, furnish a further statement of the condition of every case in their respective districts, and of any further proceedings had therein since their last returns.

And the Secretary of the Navy is hereby authorized to appoint an agent or to employ counsel when the captors do not employ counsel themselves, in any case in which he may consider it necessary to assist the district attorneys and protect the interests of the captors, with such compensation as he may think just and reasonable. And it shall be the duty of the several marshals of the United States to furnish to the Navy Department on request, or to its agent, a full and particular statement of the disposition of every prize vessel and cargo, in such form and with such details as the Secretary of the Navy may require, and as often as he may require the same; and said marshals shall also furnish to the Navy Department or their aforesaid agent, a full and particular statement of all fees, charges, and allowances of every description, claimed by them in each case of prize, before the same are allowed by the court, and no such charges for disbursements of any kind, shall be allowed, unless accompanied by the affidavit of the marshal that the same have been actually and necessarily incurred in the case; and it shall be the duty of the district attorney to attend on the settlement and allowance of all such bills and protect the interests of the United States and of the captors against any improper and unlawful claims. And whenever a final decree of condemnation shall have been made, or any interlocutory sale has been ordered, the property shall be sold by the marshal pursuant to the practice and proceedings in admiralty, and the gross proceeds of such sale shall be forthwith deposited with the assistant treasurer of the United States, at, or nearest to, the place where such sale is made, and the money so deposited shall remain in the Treasury of the United States until a final decree of distribution, or until a decree of restitution shall be made, and a certified copy thereof furnished, upon which the costs of court, and the lawful charges and expenses shall be paid, and the balance distributed according to said decree: *Provided*, That the annual salaries of district attorneys, prize commissioners, and marshals shall in no case be so increased under the several acts for compensation in prize so as to exceed, in the aggregate, the following sums, and any balance beyond the several sums shall be paid into the Treasury, viz.: District attorneys, six thousand dollars. Prize commissioners, three thousand dollars. Marshals, six thousand dollars.

SEC. 13. *And be it further enacted*, That every officer, seaman, or marine, disabled in the line of his duty, shall be entitled to receive for life, or during his disability, a pension from the United States, according to the nature and degree of his disability, not exceeding in any case his monthly pay.

SEC. 14. *And be it further enacted*, That in all cases where the crews of the ships or vessels of the United States shall be separated from their vessels, by the latter being wrecked, lost, or destroyed, all the command, power, and authority given to the officers of such ships or vessels shall remain and be in full force as effectually as if such ship or vessel were not so wrecked, lost, or destroyed, until such ship's company be regularly

discharged from, or ordered again into, the service, or until a court-martial or court of inquiry shall be held to inquire into the loss of such ship or vessel; and if, by the sentence of such court or other satisfactory evidence, it shall appear to the Secretary of the Navy that all or any of the officers and men of such ship's company did their utmost to preserve her, and after the loss thereof behaved themselves agreeably to the discipline of the navy, then the pay and emoluments of such officers and men, or such of them as shall have done their duty, as aforesaid, shall go on until their discharge or death; and every officer or man who shall, after the loss of such vessel, act contrary to the discipline of the navy, shall be punished, at the discretion of a court-martial, in the same manner as if such vessel had not been so lost.

SEC. 15. *And be it further enacted*, That all the pay and emoluments of the officers and men, of any of the ships or vessels of the United States taken by an enemy, who shall appear by the sentence of a court-martial, or otherwise, to have done their utmost to preserve and defend their ship or vessel, and after the taking thereof, have behaved themselves obediently to their superiors, agreeably to the discipline of the navy, shall go on, and be paid them until their death, exchange, or discharge.

Pay, &c., of officers and men of any ship taken by an enemy, to continue, if, &c.

SEC. 16. *And be it further enacted*, That each commanding officer shall, whenever a man enters on board, cause an accurate entry to be made in the ship's books of his name, the date, place, and term of his enlistment, the place or vessel from which he was received on board, his rating, and his descriptive list to include his age, place of birth, and citizenship, with such remarks as may be necessary; and shall, before sailing, transmit to the Secretary of the Navy a complete list or muster-roll of the rated men under his command, showing the particulars above set forth, and also a list of officers and passengers with the date of their entering; and he shall cause similar lists to be made out on the first day of every third month, to be transmitted to the Secretary of the Navy, as opportunities shall occur; accounting in such lists or muster-rolls for any casualties which may have taken place since the last list or muster-roll. He shall not receive on board any man transferred from any other vessel or station to him unless such man be furnished with an account, signed by the captain and paymaster of the vessel or station from which he came, specifying the date of his entry, the period and term of service, the sums paid, the balance due him, the quality in which he was rated, and his descriptive list. He shall cause to be accurately minuted on the ship's books the names of and times at which any death or desertion may occur; and in case of death, shall take care that the paymaster secure all the property of the deceased for the benefit of his legal representative or representatives. He shall cause frequent inspections to be made into the condition of the provisions, and use every precaution for their preservation. He shall, whenever he orders officers and men to take charge of a prize and proceed to the United States, and whenever officers or men are sent from his ship, for whatever cause, take care that each man be furnished with a complete statement of his account, specifying the date of his enlistment, the periods and terms of his service, and his descriptive list; which account shall be signed by the commanding officer and paymaster. He shall cause the articles for the government of the navy to be hung up in some public part of the ship, and read once a month to his ship's company. He shall cause a convenient place to be set apart for sick or disabled men, to which he shall have them removed, with their hammocks and bedding, when the surgeon shall so advise, and shall direct that some of the crew attend them and keep the place clean. He shall frequently consult with the surgeon in regard to the sanitary condition of his crew, and shall use all proper means to preserve their health, and when his crew is finally paid off he shall attend in person, or appoint a proper officer, to see that justice

List or muster-roll of men.

Duty of commanders of vessels as respects their men, &c.

be done to the men and to the United States in the settlement of the accounts. Any commanding officer offending herein shall be punished at the discretion of a court-martial.

Petty officers and persons of inferior ratings to be sent to an Atlantic port if, &c.

SEC. 17. *And be it further enacted*, That it shall be the duty of the commanding officer of any fleet, squadron, or vessel acting singly, when on service, to send to an Atlantic port of the United States in some public or other vessel, all petty officers and persons of inferior ratings desiring to go there at the expiration of their terms of service, or as soon thereafter as may be, unless in his opinion the detention of such persons for a longer period should be very essential to the public interests; in which case he may detain them or any of them until the vessel to which they belong shall return to such Atlantic port; and in case of such detention the person so sent home, or so detained, shall be subject in all respects to the laws and regulations for the government of the Navy, until their return to an Atlantic port, and their regular discharge; and all persons who shall be so detained beyond their terms of service, or who shall, after the termination of their service voluntarily reënter to serve until the return to an Atlantic port of the vessel to which they belong, and their regular discharge therefrom, shall for the time during which they are so detained, or shall so serve beyond their original terms of service, which shall in no case exceed thirty days after their arrival in an Atlantic port, receive an addition of one-fourth of their former pay: *Provided*, That the shipping articles shall hereafter contain the substance of this section.

Who to be deemed petty officers.

SEC. 18. *And be it further enacted*, That all officers not holding commissions or warrants, or who are not entitled to them, except, such as are temporarily appointed to the duties of a commissioned or warrant officer, or secretaries and clerks, shall be deemed petty officers, and shall be entitled to obedience in the execution of their offices from those of inferior ratings.

Copy of regulations, &c. to be given officers.

SEC. 19. *And be it further enacted*, That the Secretary of the Navy shall cause each commissioned or warranted officer of the navy, on his entry into the service, to be furnished with a copy of the regulations and general orders of the department then in force, and thereafter with a copy of all such as may be issued.

Repeal of inconsistent provisions.

SEC. 20. *And be it further enacted*, That all provisions of previous laws which are inconsistent with those of this act, shall be and are hereby repealed.

APPROVED, July 17, 1862.

July 17, 1862.

CHAP. CCV. — *An Act requiring the Commanders of American Vessels sailing to foreign Ports and Persons prosecuting Claims, to take the Oath of Allegiance.*

Commanders of American vessels sailing to foreign ports, and persons prosecuting claims, to take oath of allegiance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commanders of all American vessels sailing from ports in the United States to foreign ports, during the continuance of the present rebellion, and all persons prosecuting claims either as attorney or on his own account, before any of the departments or bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution of the United States, (or affirm, as the case may be,) as required of persons in the civil service of the United States by the provisions of the act of Congress approved August sixth, eighteen hundred and sixty-one.

1861, ch. 64. *Ante*, p. 326.

Who may administer 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, 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.

Penalty for violation of oath.

APPROVED, July 17, 1862.