

PRIVATE ACTS OF THE THIRTY-SEVENTH CONGRESS

OF THE UNITED STATES,

Passed at the third session which was begun and held at the City of Washington, in the District of Columbia, on Monday, the first day of December, A. D. 1862, and ended on Wednesday, the fourth day of March, A. D. 1863.

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 February, and so acted until the end of the session. GALUSHA A. GROW, Speaker of the House of Representatives.

CHAP. II. — *An Act for the Relief of the Owners of the French Brig "Jules et Marie."* Dec. 15, 1862.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid, out of any money in the treasury not otherwise appropriated, to the order of the proper functionary of the government of his Majesty the Emperor of the French, the sum of nine thousand five hundred dollars, in coin, as full compensation to the owners of the French brig "Jules et Marie," or their legal representatives, for damages received by the said brig in a collision with the United States war steamer "San Jacinto," on the third day of November last; which collision was occasioned, in the opinion of a joint naval commission to whom the claim was referred, by the failure of the "San Jacinto" seasonably to reverse her engine.

Damages to be paid owners of the "Jules et Marie."

APPROVED, December 15, 1862.

CHAP. VIII. — *An Act to indemnify certain Citizens of the United States, residing in the State of Delaware, for Expenses incurred by them in Defence of the United States.* January 7, 1863.

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, out of any money in the treasury not otherwise appropriated, to pay to the Farmers' Bank of the State of Delaware, at Dover, or the duly authorized agent thereof, any amount not exceeding the sum of thirteen hundred and seventy-eight dollars, borrowed of said bank by Alden B. Richardson and others, citizens of the State of Delaware, and by them expended for the enrolling, subsisting, clothing, and equipping of company D of the first regiment of Delaware volunteers employed in aiding to suppress the present insurrection against the United States; and also to the Bank of Smyrna, at Smyrna, Delaware, or the duly authorized agent thereof, an amount not exceeding the sum of thirteen hundred and seventy-eight dollars, borrowed of said last-mentioned bank by George W. Cummins and others, citizens of said State of Delaware, and by them expended for the enrolling, subsisting, clothing, and equipping company H of said first regiment of Delaware volunteers employed in said service as aforesaid: *Provided,* That said Secretary shall pay only so much of the expenditures aforesaid as, upon examination, he shall be satisfied were properly made.

Certain citizens of Delaware to be indemnified for expenses in defence of the United States.

Only expenses properly made to be paid.

APPROVED, January 7, 1863.

January 23, 1863.

CHAP. XII. — *An Act for the Relief of John B. Motley.*

Payment to
John B. Motley
for services as
acting Secretary
of Nebraska
Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two hundred and ninety-eight dollars and eighty-seven cents be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be paid to John B. Motley, of Omaha City, in the Territory of Nebraska, for compensation in full for his services as acting secretary of said Territory from March twenty-three, eighteen hundred and fifty-eight, to July twelve, eighteen hundred and fifty-eight.

APPROVED, January 23, 1863.

January 30, 1863.

CHAP. XV. — *An Act for the Relief of William B. Snowhook and others.*

Sureties of
Charles H. Pine
to be credited
with \$2500, on a
judgment
against them.

Whereas a judgment has been recovered in the United States Circuit Court of the northern district of Illinois against Thomas Hoyne, E. S. Smith, Isaac Cook, William B. Snowhook, and Richard J. Hamilton, as sureties of Charles H. Pine, late United States marshal for said district, in which judgment is included a sum of two thousand five hundred dollars, money advanced to said Pine by the government on the ninth day of November, Anno Domini eighteen hundred and fifty-nine, after he had become known to the officers of the United States to be a defaulter in office, and after two of the said sureties had expressly notified the late Secretary of the Interior of such official delinquency, and protested against any further liability being incurred by them; all of which facts appear of record in the archives of the Department of the Interior: Therefore —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Solicitor of the Treasury be, and he is hereby, authorized and directed to remit to the said sureties, as a credit upon the amount of said judgment in satisfaction *pro tanto*, the said sum of twenty-five hundred dollars, upon the payment of the balance of said judgment by the said securities: *Provided, however,* That nothing herein contained shall in anywise have the effect to release the principal in said bond from his liability thereon.

APPROVED, January 30, 1863.

January 31, 1863.

CHAP. XVI. — *An Act for the Relief of the legal Representatives of Seneca G. Simmons.*

Representa-
tives of Seneca
G. Simmons to
be allowed
\$1500.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury Department, in settling the accounts of the late Seneca G. Simmons, as assistant commissary of subsistence, be, and hereby are, authorized and instructed to allow his legal representatives credit for the sum of money belonging to the United States stolen from his possession at Metamoras, Mexico, on the night of the eleventh of April, eighteen hundred and forty-seven, to wit: fifteen hundred dollars.

APPROVED, January 31, 1863.

February 3, 1863.

CHAP. XVIII. — *An Act to provide for the Payment of Expenses incurred by the Marshal of Boston for Repairs to the United States Court House.*

Watson Free-
man to be paid
for expenses of
repairs of court-
house in Boston.

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 directed to pay to Watson Freeman, late United States marshal for the district of Massachusetts, the sum of two hundred and eighty-one dollars and forty-two cents, out of any money in the treasury not otherwise appropriated, in full satisfaction of the claim of said Free-

man for expenses incurred by him in repairs to the United States courthouse in Boston.

APPROVED, February 3, 1863.

CHAP. XXX. — *An Act to authorize the Court of Claims of the United States to hear and determine the Claim of the Heirs of Stephen Johnston, deceased.* February 9, 1863.

Whereas by an act of Congress, passed July twentieth, eighteen hundred and forty, for the relief of the children of Stephen Johnston, deceased, said heirs were thereby authorized to surrender to the United States certain lands, and to receive in lieu thereof a certificate "receivable in payment at any land-office of the United States for any half section of land not subject to preëmption;" and whereas said heirs, in pursuance of the provisions of said act, did, on the second day of February, Anno Domini eighteen hundred and forty-one, surrender said land, and did receive a certificate as aforesaid, and did thereafter twice make application to the Commissioner of the General Land-Office for the purchase of one half section of the public lands of the United States with said certificate, which several applications were refused by said Commissioner, although at the time of said applications the lands applied for were duly authorized to be sold; and whereas it was the manifest intention of Congress, by the passage of said act, to give to said heirs the right to make choice of and purchase with said certificate any half section of the public lands of the United States, in order to compensate said heirs for the loss of a judicious selection of land granted to them by the provisions of a treaty made by the United States with the Pottawatomie Indians on the sixteenth day of October, Anno Domini eighteen hundred and twenty-six; and whereas since the passage of said act, and the issuing of said certificate, the most valuable lands of the United States have been disposed of and made subject to preëmption, and the holders of the certificate have been deprived of the use thereof in the purchase of such valuable lands by reason of the decisions aforesaid; and whereas there are now no public lands of the United States upon which said certificate could be used, affording anything like a just compensation to said heirs for the loss of a judicious selection for them under the provisions of the treaty aforesaid: Therefore —

Preamble.
1840, ch. 96.
Vol. vi. p. 812.

Vol. vii. p. 295.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of the heirs of Stephen Johnston, deceased, be, and the same is hereby, referred back to the Court of Claims of the United States, together with the record and papers of the case of Stephen Johnston and others against the United States, formerly heard in said court; thereupon said court is authorized and directed to order proof to be taken of the value of such a selection of one half section of land within the boundaries of the treaty aforesaid as said heirs were justly and equitably entitled to, as it was on the second day of February, Anno Domini eighteen hundred and forty-one; and in estimating the value of such a selection as it was on the day aforesaid, all or any improvements upon the land so valued shall not be considered, but the value of such a selection shall be estimated considering its natural advantages of position, &c., and any increase of value from extrinsic and general causes to the date aforesaid.

Claim of heirs
of Stephen
Johnston to be
referred back to
Court of Claims.

Direction to
the court.

Value of
selection.

SEC. 2. *And be it further enacted,* That when the value of such a selection shall be so ascertained by the proof, and thereupon determined by the court, which is hereby required, said court shall add interest upon the value so determined from February second, eighteen hundred and forty-one, and thereupon to ascertain and determine what amount of land scrip of the United States, as hereinafter provided, may be necessary to be issued to said heirs in compensation and satisfaction of the amount so

Court to add
interest,

to decide on
amount of land
scrip to be issued
to heirs.

Secretary of
Interior to issue
land scrip to
Stephen John-
ston, &c., Eliza
Winans, &c.

Scrip receive-
able in payment
for what.

Assignable by
indorsement,
attested,
issued in legal
subdivisions.

Proviso.

Scrip to be in
full satisfaction
of the claim.

ascertained and determined by the court. And thereupon said court shall order the amount so ascertained to be issued. And the Secretary of the Interior of the United States shall, and he is hereby authorized and required, upon the order aforesaid, and the surrender of the land certificate now held by said heirs to the United States, to cause to be issued to said heirs, to wit: To Stephen Johnston and his heirs and assigns, and to Eliza Winans and her heirs and assigns, in equal proportions, severally, land scrip of the United States to the amount ascertained and determined by the court as aforesaid, which scrip shall be receivable in payment for any lands of the United States subject to private entry, the minimum price of which does not exceed one dollar and twenty-five cents per acre for each acre mentioned in the certificates of scrip so issued; and said land scrip, if offered, shall be receivable in payment of any lands of the United States the sale of which is authorized by law, the value of said scrip to be estimated at one dollar and twenty-five cents for each acre of land therein named. That is to say, scrip for eighty acres of land shall be deemed to be of the value of one hundred dollars, and shall be received as so much money when offered in payment of land worth more than one dollar and twenty-five cents per acre, and the same rule shall apply to the scrip issued for a greater or less number of acres; and said land scrip shall, moreover, be assignable by indorsement, attested by two witnesses, and shall be issued in legal subdivisions in the following manner, to wit: For each section to be issued one certificate of scrip for one hundred and sixty acres, four certificates for eighty acres each, and four certificates for forty acres each: *Provided*, That if there shall be any fraction less than forty acres to make up the amount to be issued, the same shall be so issued: *And provided*, *further*, That when so issued and delivered shall be in full satisfaction and adjustment of the claim aforesaid.

APPROVED, February 9, 1863.

Feb. 10, 1863.

CHAP. XXXI. — *An Act for the Relief of Isaac Vanderpoel.*

Isaac Vander-
poel to be
allowed \$206.66
in settlement of
his accounts.

1853, ch. 41.
Vol. x. p. 154.

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 allow to Isaac Vanderpoel, late United States army pension agent at Albany, New York, in his account with the government of the United States of pensions paid by him, the item of two hundred and six dollars and sixty-six cents, (\$206.66,) paid on the tenth of October, eighteen hundred and fifty-five, to George Hamilton, purporting to act as attorney for Elizabeth Vanderheyden, a pensioner under the act of third of February, eighteen hundred and fifty-three.

APPROVED, February 10, 1863.

Feb. 14, 1863.

CHAP. XXXV. — *An Act for the Relief of the Owners of the Norwegian Bark "Admiral P. Tordenskiold."*

Damages to
Norwegian bark
"Admiral P.
Tordenskiold."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid out of any money in the treasury not otherwise appropriated, to the order of the proper functionary of His Majesty, the King of Sweden and Norway, the sum of fourteen thousand three hundred and nine dollars and thirteen cents, in coin, as full compensation to the owners of the Norwegian bark "Admiral P. Tordenskiold," or their legal representatives, for damages sustained by the said bark by reason of being prevented by the commander of the United States blockading force at Charleston, in May, eighteen hundred and sixty-one, from leaving the said port with cargo, the said bark having innocently entered during a brief interval in which the blockading force was absent.

APPROVED, February 14, 1863.