

PUBLIC ACTS OF THE THIRTY-EIGHTH 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 Monday, the seventh day of December, A. D. 1863, and ended on Monday, the fourth day of July, A. D. 1864.

ABRAHAM LINCOLN, President. HANNIBAL HAMLIN, Vice-President and President of the Senate. DANIEL CLARK was elected President of the Senate, *pro tempore*, on the twenty-fifth day of April, and so acted until the end of the session. SCHUYLER COLFAX, Speaker of the House of Representatives.

CHAP. I. — *An Act declaring the Assent of Congress to an Act of the Legislature of the State of Illinois, therein named.* Jan. 16, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of congress is hereby given to the operation of the eleventh section, chapter fifteen, of the act of the general assembly of the State of Illinois, approved February thirteenth, eighteen hundred and sixty-three, entitled "An act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act, and to revise the same,"— which section is as follows: "Said city shall have the power to extend aqueducts or inlet-pipes into Lake Michigan, so far as may be deemed necessary to insure a supply of pure water, and to erect a pier or piers in the navigable waters of said lake, for the making, preserving, and working of said pipes or aqueducts: *Provided,* That such piers shall be furnished with a beacon-light, which shall be lighted at all such seasons and hours as the light on the pier at the entrance of Chicago river."

1865, ch. 41.
Post, p. 431.
The city of Chicago may erect piers in the navigable waters of Lake Michigan, to protect aqueduct-pipes.

Piers to be lighted.

APPROVED, January 16, 1864.

CHAP. II. — *An Act to authorize the President to appoint a Second Assistant Secretary of War.* Jan. 19, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be and he is hereby authorized to appoint, by and with the advice and consent of the Senate, for the term of one year from the passage of this act, an officer in the War Department, to be called the Second 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.

1865, ch. 41.
Post, p. 431.
Second assistant secretary of war authorized for one year.

Salary, duties.

APPROVED, January 19, 1864.

CHAP. III.—*An Act to provide for the Deficiency in the Appropriation for the Pay of Officers and Men actually employed in the Western Department, or Department of Missouri.* Jan. 22, 1864.

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 for pay, bounty,

Pub. Res. No. 46.
Post, p. 410.

&c., of men in Western department.

1862, ch. 49, vol. xii. p. 374.

Payment, to whom to be made.

Assignments invalid.

When attorney may receive it.

appropriated, out of any money in the treasury not otherwise appropriated, the sum of seven hundred thousand six hundred and twelve dollars and thirteen cents, or so much thereof as may be necessary, to carry into effect the act approved March twenty-fifth, eighteen hundred and sixty-two, to secure to the officers and men actually employed in the Western department, or department of Missouri, their pay, bounty, and pension: *Provided, however, That, in the payment of the money hereby appropriated, such payment shall be made directly to the officers or soldiers by whom the services were rendered, or to their personal representatives, or to their agents appointed by powers of attorney; and no assignment of any sum due to any officer or soldier shall be valid; such payments to be made by paymasters of the United States army: Provided further, however, That any person holding a power of attorney authorizing the receipt by him of the amount to be paid to any officer or soldier may, upon making and filing an affidavit to the effect that he is acting in the premises purely as agent without personal interest, and that he will pay over the amount received either to the soldier or (in his absence) to his wife or children, for their benefit, be entitled to receive such amount.*
APPROVED, January 22, 1864.

Jan. 22, 1864.

CHAP. IV. — *An Act to amend the Law prescribing the Articles to be admitted into the Mails of the United States.*

Certain articles of clothing may be carried in the mails.

Rate of postage; to be prepaid.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That articles of clothing, being manufactured of wool, cotton, or linen, and comprised in a package not exceeding two pounds in weight, addressed to any non-commissioned officer or private serving in the armies of the United States, may be transmitted in the mails of the United States at the rate of eight cents, to be in all cases prepaid, for every four ounces, or any fraction thereof, subject to such regulations as the Postmaster-General may prescribe.

APPROVED, January 22, 1864.

Jan. 26, 1864.

CHAP. V. — *An Act to change the Place of holding the Circuit and District Courts of the United States, for the District of West Tennessee, and for other Purposes.*

Terms of Federal circuit and district courts in West Tennessee.

Special terms.

What notice to be given.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the circuit and district courts of the United States for the district of West Tennessee shall be holden at the city of Memphis in said district, on the first Monday in March and the first Monday in September of each year, and at no other place. And all process, civil and criminal, which may have been, or hereafter may be, issued, returnable to said courts at Jackson or Huntingdon, in said district, shall be returned to said courts, respectively, at the city of Memphis; and all books and records of every kind, pertaining to said courts, shall be transferred from the places where said courts have heretofore been held to the city of Memphis.

SEC. 2. And be it further enacted, That the judges of the United States circuit court and of the United States district court for the several districts of Tennessee, may, whenever in their opinion the public interests require it, appoint special terms of their respective courts at Knoxville, Nashville, and Memphis, to be holden at such times as said judges, respectively, shall deem most conducive to the public good; notice of each special term appointed under the provisions of this act shall be published in at least one newspaper printed in the town or city in which a term is to be held, for four consecutive weeks.

APPROVED, January 26, 1864.

CHAP. VI. — *An Act relating to the Admission of Patients to the Hospital for the Insane in the District of Columbia.* Jan. 28, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be authorized, in his discretion, during the existence of the present war, to admit into the government hospital for the insane such transient insane persons as may be found in the District of Columbia without the means of self-support, to be there detained until they can be sent to their friends or proper places of residence under the direction of the said Secretary of the Interior, whose duty it shall be to provide therefor; the steps preliminary to their admission to be the same, except as to the affidavit of residence at the time they became insane, as are required in the case of indigent persons who became insane while residing in the district.

Transient insane may be admitted to hospital.

Mode of proceeding.

APPROVED, January 28, 1864.

CHAP. VII. — *An Act making Appropriations for the Payment of Invalid and other Pensions of the United States, for the Year ending the thirtieth of June, eighteen hundred and sixty-five.* Jan. 29, 1864.

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 payment of pensions for the year ending the thirtieth of June, eighteen hundred and sixty-five: —

Appropriation for pensions.

For invalid pensions under various acts, one million dollars. Invalid.

For pensions to widows, mothers, children, and sisters, under the first section of the act of fourth July, eighteen hundred and thirty-six; act of July twenty-first, eighteen hundred and forty-eight; first section of the act of February third, eighteen hundred and fifty-three; June third, eighteen hundred and fifty-eight; and July fourteenth, eighteen hundred and sixty-two, two million two hundred thousand dollars. Other pensions.
1836, ch. 362.
1848, ch. 108.
1853, ch. 41.
1858, ch. 85.
1862, ch. 166.

APPROVED, January 29, 1864.

CHAP. VIII. — *An Act authorizing the Holding of a special Session of the United States District Court for the District of Indiana.* Feb. 12, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a special session of the United States district court for the district of Indiana shall be holden at the usual place of holding said court on the second Tuesday in March, in the year of our Lord one thousand eight hundred and sixty-four.

Post, p. 419.

SEC. 2. *And be it further enacted,* That all suits and proceedings of a civil or criminal nature, now pending in, or returnable to said court, shall be proceeded in, heard, tried, and determined, by said court at said special session, in the same manner as at a regular term of said court, and the judge thereof is hereby empowered to order the empanelling of a petit jury for said session, but not a grand jury. And no case shall be considered which stands continued to the May term by order of the court.

Special session of the Federal district court in Indiana.

What suits, &c. to be there heard.

Juries.

APPROVED, February 12, 1864.

CHAP. IX. — *An Act making an Appropriation for rebuilding the Stable at the President's.* Feb. 13, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twelve 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 enable the Commissioner of Public Buildings to cause the stable at the President's to be rebuilt forthwith.

Appropriation for a stable at the President's.

APPROVED, February 13, 1864.

Feb. 19, 1864.

1863, ch. 100,
vol. xii. p. 794.

CHAP. XI. — *An Act amendatory of and supplementary to "An Act to provide Circuit Courts for the Districts of California and Oregon, and for other Purposes," approved March third, eighteen hundred and sixty-three.*

Terms of the
Federal circuit
court in Cali-
fornia,

in Oregon.

If circuit judge
is absent, district
judge to hold the
term.

Ending of
terms.

Circuit court in
different districts
at same time.

Special sessions
of circuit court,

how appointed
and notified.

Business at
such special
sessions.

No jury trials.

Issues of fact if
jury is waived.

Clerks of cir-
cuit courts.

Appointment.

Revocation.

Oath of clerk.

1862, ch. 128.
Vol. xii. p. 502.

Bond.

Vacancy in
office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term of the circuit court of the United States for the districts in California shall be held in the city of San Francisco, in said state, on the first Monday of February, and on the second Monday of June, and on the first Monday of October, of each year; and in the city of Monterey, in said state, on the first Monday of April, and on the second Monday of August, and on the first Monday of December, of each year; and that a term of said circuit court for the State of Oregon shall be held at the city of Portland, in said state, on the first Monday of January, and on the first Monday of May, and on the first Monday of September, of each year.

SEC. 2. *And be it further enacted,* That whenever the circuit judge is absent, or, from any cause, is unable to hold a term of the circuit court as above provided, it shall be the duty of the district judge of the district to hold such term. No term of the circuit court in one district of the tenth circuit shall be deemed to be ended from the commencement of a term in another district. A circuit court may be held in the different districts at the same time.

SEC. 3. *And be it further enacted,* That the circuit judge of said tenth circuit may, at his discretion, appoint special sessions of the circuit court, to be held at the places where the stated sessions thereof are to be holden, as provided in this act, by an order, under his hand and seal, addressed to the marshal and clerk of said court, at least fifteen days previous to the day fixed for the commencement of such special sessions, which order shall be published by the marshal in one or more of the gazettes or newspapers within the district where such sessions are to be holden. At such special sessions it shall be competent for the said court to entertain jurisdiction of and hear and decide all cases in equity, cases in error, or on appeal, issues of law, motions in arrest of judgment, motions for new trial, and all other motions, and to award executions and other final process, and to do and to transact all other business, and direct all other proceedings in all causes pending in the circuit court, except trying any cause by jury, in the same way and with the same force and effect as the same could or might be done at the stated sessions of such court. At said special sessions said court may also try and determine all issues of fact in cases in which, by the stipulation in writing of the parties, or their attorneys, and filed with the clerk, a jury shall be waived.

SEC. 4. *And be it further enacted,* That the clerks of the circuit courts for the districts of California shall be appointed by the circuit judge of the tenth circuit. The appointment shall be in writing under the hand and seal of the circuit judge, and shall be filed in the clerk's office and entered at large upon the records of the court. The circuit judge may revoke the appointment at any time by filing in the office of the clerk a notice in writing under his hand and seal, stating that the appointment is revoked. The revocation shall be entered on the records of the court. The clerk, before entering upon the discharge of his duties, shall take the oath of office prescribed by the act entitled "An act to prescribe an oath of office and for other purposes," approved July two, eighteen hundred and sixty-two, and such oath shall be endorsed upon his appointment. The clerk shall also execute a bond to the United States with two or more sufficient sureties in such sum as the circuit judge may designate, conditioned for the faithful performance of his duties. In case of a vacancy in the office of clerk, the district judge shall have power to fill such vacancy by appointment, which shall continue until an appointment is made by the circuit judge.

SEC. 5. *And be it further enacted*, That the clerks of the circuit courts of the tenth circuit shall have power to appoint one or more deputies, who shall have the same authority, in all respects, as their principal. The appointment shall be in writing, and be signed by the clerk, and shall be filed in his office, and be entered at large upon the records of the court. The clerk may revoke the appointment of any deputy at will by writing filed in the office, and entered upon the records. Each deputy, before entering upon his duties, shall take the oath of office prescribed by the act entitled "An act to prescribe an oath of office and for other purposes," approved July two, eighteen hundred and sixty-two. And such oath shall be endorsed upon his appointment. The clerk may take from each of his deputies a bond with sureties for the faithful performance of his duties, but the clerk and the sureties on his official bond shall be liable for all the official acts of each deputy.

Clerks may appoint deputies, and remove them.

Oath and bond of deputies.
1862, ch. 128.
Vol. xii. p. 502.

Clerk liable for acts of deputy.

SEC. 6. *And be it further enacted*, That the clerks of the circuit courts and district courts of the United States for the districts of California and Oregon shall severally be entitled to charge and receive for the services they may perform double the fees and compensation allowed by the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States and for other purposes," approved February twenty-six, eighteen hundred and fifty-three.

Fees, &c., of clerks.

1853, ch. 80.
Vol. x. p. 161.

SEC. 7. *And be it further enacted*, That issues of fact in civil cases may be tried and determined by the said circuit court without the intervention of a jury, whenever the parties or their attorneys of record file a stipulation in writing with the clerk waiving a jury. Upon the trial of an issue of fact by the court, its decision shall be given in writing and filed with the clerk. In giving the decision, the facts found and the conclusions of law shall be separately stated. The review of the judgment or decree entered upon such findings by the supreme court of the United States upon appeal or writ of error shall be limited to a determination of the sufficiency of the facts found to support the judgment or decree entered, and to the rulings of the court in admitting or rejecting evidence offered, and in the construction of written documents produced and admitted. The supreme court may affirm or modify or reverse the judgment or decree entered, or may, in its discretion, order a new trial or further proceedings to be taken.

Trials of issues of fact without a jury.

Form of decision, appeals, writs of error.

SEC. 8. *And be it further enacted*, That a term of the district court of the United States for the southern district of California shall be held in the city of Monterey, in said state, on the first Monday of February, and on the first Monday of June, and on the first Monday of October, of each year; and a term of the district court of the United States for the northern district of California shall be held in the city of San Francisco, in said state, on the first Monday of April, and on the second Monday of August, and on the first Monday of December, of each year; and a term of the district court of the United States for the district of Oregon shall be held at the city of Portland, in the State of Oregon, on the first Monday of March, and on the first Monday of July, and on the first Monday of November, of each year.

Terms of the Federal district court in California,

in Oregon.

SEC. 9. *And be it further enacted*, That section four of the act entitled "An act to provide circuit courts for the districts of California and Oregon, and for other purposes," approved March third, eighteen hundred and sixty-three; and sections four and five of the act entitled "An act to provide for extending the laws and judicial system of the United States to the State of California," approved September twenty-eight, eighteen hundred and fifty, and all provisions of law inconsistent with this act, be and the same are hereby repealed.

Repeal of former laws and of inconsistent provisions.

1863, ch. 100,
§ 4.
Vol. xii. p. 794.
1850, ch. 86,
§§ 4, 5.
Vol. ix. p. 522.

SEC. 10. *And be it further enacted*, That this act shall take effect on the first Monday of May, one thousand eight hundred and sixty-four.

When act takes effect.

Feb. 24, 1864.

1863, ch. 75.
Vol. xii. p. 731.

1865, ch. 79.
Post, p. 487.

President may call for such number of men as public exigencies require.

Quota of each ward, town, &c., how to be determined.

Persons in naval service to be reckoned.

If quota is not filled by volunteers, draft to be made.

1864, ch. 237, § 6.
Post, p. 380.

Volunteers enlisting after draft.

Further drafts.

Substitutes, what and by whom may be furnished, and for how long.

1863, ch. 75.
Vol. xii. p. 731.

Drafted persons may furnish substitutes.

1865, ch. 79, § 15.
Post, p. 489.

How long to be exempt.

Who may be employed as substitutes.

CHAP. XIII. — *An Act to amend an Act entitled "An Act for enrolling and calling out the National Forces, and for other Purposes," approved March third, eighteen hundred and sixty-three.*

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 shall be authorized, whenever he shall deem it necessary, during the present war, to call for such number of men for the military service of the United States as the public exigencies may require.

SEC. 2. *And be it further enacted,* That the quota of each ward of a city, town, township, precinct, or election district, or of a county, where the county is not divided into wards, towns, townships, precincts, or election districts, shall be, as nearly as possible, in proportion to the number of men resident therein liable to render military service, taking into account as far as practicable, the number which has been previously furnished therefrom; and in ascertaining and filling said quota there shall be taken into account the number of men who have heretofore entered the naval service of the United States, and whose names are borne upon the enrolment lists as already returned to the office of the provost-marshal general of the United States.

SEC. 3. *And be it further enacted,* That if the quotas shall not be filled within the time designated by the President, the provost-marshal of the district within which any ward of a city, town, township, precinct, or election district, or county, where the same is not divided into wards, towns, townships, precincts, or election districts, which is deficient in its quota, is situated, shall, under the direction of the provost-marshal general, make a draft for the number deficient therefrom; but all volunteers who may enlist after the draft shall have been ordered, and before it shall be actually made, shall be deducted from the number ordered to be drafted in such ward, town, township, precinct, or election district, or county. And if the quota of any district shall not be filled by the draft made in accordance with the provisions of this act, and the act to which it is an amendment, further drafts shall be made, and like proceedings had, until the quota of such district shall be filled.

SEC. 4. *And be it further enacted,* That any person enrolled under the provisions of the act for enrolling and calling out the national forces, and for other purposes, approved March third, eighteen hundred and sixty-three, or who may be hereafter so enrolled, may furnish, at any time previous to the draft, an acceptable substitute, who is not liable to draft, nor at the time in the military or naval service of the United States, and such person so furnishing a substitute shall be exempt from draft during the time for which [such] substitute shall not be liable to draft, not exceeding the time for which such substitute shall have been accepted.

SEC. 5. *And be it further enacted,* That any person drafted into the military service of the United States may, before the time fixed for his appearance for duty at the draft rendezvous, furnish an acceptable substitute, subject to such rules and regulations as may be prescribed by the Secretary of War. That if such substitute is not liable to draft, the person furnishing him shall be exempt from draft during the time for which such substitute is not liable to draft, not exceeding the term for which he was drafted; and, if such substitute is liable to draft, the name of the person furnishing him shall again be placed on the roll, and shall be liable to draft on future calls, but not until the present enrolment shall be exhausted; and this exemption shall not exceed the term for which such person shall have been drafted. And any person now in the military or naval service of the United States, not physically disqualified, who has so served more than one year, and whose term of unexpired service shall not at the time of substitution exceed six months, may be employed as a substitute to serve in the troops of the State in which he enlisted; and if

any drafted person shall hereafter pay money for the procurement of a substitute, under the provisions of the act to which this is an amendment, such payment of money shall operate only to relieve such person from draft in filling that quota; and his name shall be retained on the roll in filling future quotas; but in no instance shall the exemption of any person, on account of his payment of commutation money for the procurement of a substitute, extend beyond one year; but at the end of one year, in every such case, the name of any person so exempted shall be enrolled again, if not before returned to the enrolment list under the provisions of this section.

Payment of commutation money, how to exempt.

SEC. 6. *And be it further enacted*, That boards of enrolment shall enroll all persons liable to draft under the provisions of this act, and the act to which this is an amendment, whose names may have been omitted by the proper enrolling officers; all persons who shall arrive at the age of twenty years before the draft; all aliens who shall declare their intentions to become citizens; all persons discharged from the military or naval service of the United States who have not been in such service two years during the present war; and all persons who have been exempted under the provisions of the second section of the act to which this is an amendment, but who are not exempted by the provisions of this act; and said boards of enrolment shall release and discharge from draft all persons who, between the time of the enrolment and the draft, shall have arrived at the age of forty-five years, and shall strike the names of such persons from the enrolment.

Who to be enrolled.

Names of what persons to be struck from enrolment list.

SEC. 7. *And be it further enacted*, That any mariner or able or ordinary seaman who shall be drafted under this act, or the act to which this is an amendment, shall have the right, within eight days after the notification of such draft, to enlist in the naval service as a seaman, and a certificate that he has so enlisted being made out, in conformity with regulations which may be prescribed by the Secretary of the Navy, and duly presented to the provost-marshal of the district in which such mariner or able or ordinary seaman shall have been drafted, shall exempt him from such draft: *Provided*, That the period for which he shall have enlisted into the naval service shall not be less than the period for which he shall have been drafted into the military service: *And provided further*, That the said certificate shall declare that satisfactory proof has been made before the naval officer issuing the same that the said person so enlisting in the navy is a mariner by vocation, or an able or ordinary seaman. And any person now in the military service of the United States, who shall furnish satisfactory proof that he is a mariner by vocation or an able or ordinary seaman, may enlist into the navy under such rules and regulations as may be prescribed by the President of the United States: *Provided*, That such enlistment shall not be for less than the unexpired term of his military service nor for less than one year. And the bounty-money which any mariner or seaman enlisting from the army into the navy may have received from the United States, or from the state in which he enlisted in the army, shall be deducted from the prize-money to which he may become entitled during the time required to complete his military service: *And provided further*, That the whole number of such transfer enlistments shall not exceed ten thousand.

Seamen drafted may enlist in naval service, &c.

Term of enlistment.

Proof that he is a seaman.

Bounty-money to be deducted from prize-money.

Limit of transfer enlistments.

SEC. 8. *And be it further enacted*, That whenever any such mariner or able or ordinary seaman shall have been exempted from such draft in the military service by such enlistment into the naval service, under such due certificate thereof, then the ward, town, township, precinct, or election district, or county, when the same is not divided into wards, towns, townships, precincts, or election districts, from which such person has been drafted, shall be credited with his services to all intents and purposes as if he had been duly mustered into the military service under such draft.

Such enlisted seamen to be credited to town, ward, &c. on their quota.

SEC. 9. *And be it further enacted*, That all enlistments into the naval

Enlistments into naval service or marine corps to be credited.

1863, ch. 75.
Vol. xii. p. 731.

Exempts from enrolment.

Law for enrolment into two classes repealed.

1863, ch. 75,
§§ 3, 10.
Vol. xii. p. 731.

Penalty for forcibly resisting, &c. the enrolment, or persons employed therein.

Offenders liable to be punished under the State law.

Additional surgeons to examine drafted persons authorized.

Their duties.

Examinations of drafted men may be held at

service of the United States, or into the marine corps of the United States, that may hereafter be made of persons liable to service under the act of congress entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-three, shall be credited to the ward, town, township, precinct, or election district, or county, when the same is not divided into wards, towns, townships, precincts, or election districts, in which such enlisted men were or may be enrolled and liable to duty under the act aforesaid, under such regulations as the provost-marshal general of the United States may prescribe.

SEC. 10. *And be it further enacted,* That the following persons be and they are hereby exempted from enrolment and draft under the provisions of this act and of the act to which this is an amendment, to wit: Such as are rejected as physically or mentally unfit for the service, all persons actually in the military or naval service of the United States at the time of the draft, and all persons who have served in the military or naval service two years during the present war and been honorably discharged therefrom; and no persons but such as are herein exempted shall be exempt.

SEC. 11. *And be it further enacted,* That section third of the "Act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-three, and so much of section ten of said act as provides for the separate enrolment of each class, be, and the same are hereby repealed; and it shall be the duty of the board of enrolment of each district to consolidate the two classes mentioned in the third section of said act.

SEC. 12. *And be it further enacted,* That any person who shall forcibly resist or oppose any enrolment, or who shall incite, counsel, encourage, or who shall conspire or confederate with any other person or persons forcibly to resist or oppose any such enrolment, or who shall aid or assist, or take any part in any forcible resistance or opposition thereto, or who shall assault, obstruct, hinder, impede, or threaten any officer or other person employed in making or in aiding to make such enrolment, or employed in the performance, or in aiding in the performance of any service in any way relating thereto, or in arresting or aiding to arrest any spy or deserter from the military service of the United States, shall, upon conviction thereof in any court competent to try the offence, be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding five years, or by both of said punishments in the discretion of the court. And in cases where such assaulting, obstructing, hindering, or impeding shall produce the death of such officer or other person, the offender shall be deemed guilty of murder, and, upon conviction thereof upon indictment in the circuit court of the United States for the district within which the offence was committed, shall be punished with death. And nothing in this section contained shall be construed to relieve the party offending from liability, under proper indictment or process, for any crime against the laws of a state, committed by him while violating the provisions of this section.

SEC. 13. *And be it further enacted,* That the Secretary of War shall be authorized to detail or appoint such number of additional surgeons for temporary duty in the examination of persons drafted into the military service, in any district, as may be necessary to secure the prompt examination of all such persons, and to fix the compensation to be paid surgeons so appointed while actually employed. And such surgeons so detailed or appointed shall perform the same duties as the surgeon of the board of enrolment, except that they shall not be permitted to vote or sit with the board of enrolment.

SEC. 14. *And be it further enacted,* That the Secretary of War is authorized, whenever in his judgment the public interest will be subserved thereby, to permit or require boards of examination of enrolled or drafted

men to hold their examinations at different points within their respective enrolment districts, to be determined by him: *Provided*, That in all districts over one hundred miles in extent, and in such as are composed of over ten counties, the board shall hold their sessions in at least two places in such district, and at such points as are best calculated to accommodate the people thereof.

SEC. 15. *And be it further enacted*, That provost-marshals, boards of enrolment, or any member thereof, acting by authority of the board, shall have power to summon witnesses in behalf of the government, and enforce their attendance by attachment without previous payment of fees, in any case pending before them, or either of them; and the fees allowed for witnesses attending under summons shall be six cents per mile for mileage, counting one way; and no other fees or costs shall be allowed under the provisions of this section; and they shall have power to administer oaths and affirmations. And any person who shall wilfully and corruptly swear or affirm falsely before any provost-marshal, or board of enrolment, or member thereof, acting by authority of the board, or who shall, before any civil magistrate, wilfully and corruptly swear or affirm falsely to any affidavit to be used in any case pending before any provost-marshal or board of enrolment, shall, on conviction, be fined not exceeding five hundred dollars, and imprisoned not less than six months nor more than twelve months. The drafted men shall have process to bring in witnesses, but without mileage.

SEC. 16. *And be it further enacted*, That copies of any record of a provost-marshal or board of enrolment, or of any part thereof, certified by the provost-marshal, or a majority of said board of enrolment, shall be deemed and taken as evidence in any civil or military court in like manner as the original record: *Provided*, That if any person shall knowingly certify any false copy or copies of such record, to be used in any civil or military court, he shall be subject to the pains and penalties of perjury.

SEC. 17. *And be it further enacted*, That members of religious denominations, who shall by oath or affirmation declare that they are conscientiously opposed to the bearing of arms, and who are prohibited from doing so by the rules and articles of faith and practice of said religious denominations, shall, when drafted into the military service, be considered non-combatants, and shall be assigned by the Secretary of War to duty in the hospitals, or to the care of freedmen, or shall pay the sum of three hundred dollars to such person as the Secretary of War shall designate to receive it, to be applied to the benefit of the sick and wounded soldiers: *Provided*, That no person shall be entitled to the benefit of the provisions of this section unless his declaration of conscientious scruples against bearing arms shall be supported by satisfactory evidence that his deportment has been uniformly consistent with such declaration.

SEC. 18. *And be it further enacted*, That no person of foreign birth shall, on account of alienage, be exempted from enrolment or draft under the provisions of this act, or the act to which it is an amendment, who has at any time assumed the rights of a citizen by voting at any election held under authority of the laws of any state or territory, or of the United States, or who has held any office under such laws or any of them; but the fact that any such person of foreign birth has voted or held, or shall vote or hold, office as aforesaid, shall be taken as conclusive evidence that he is not entitled to exemption from military service on account of alienage.

SEC. 19. *And be it further enacted*, That all claims to exemption shall be verified by the oath or affirmation of the party claiming exemption, to the truth of the facts stated, unless it shall satisfactorily appear to the board of enrolment that such party is for some good and sufficient reason unable to make such oath or affirmation; and the testimony of any other

different points in district.
Where must be so held.

Witnesses for the government, when and how may be summoned before boards of enrolment.

Fees. Oath.

Penalty for false swearing.
1865, ch. 79, § 24.
Post, p. 491.

Drafted men may have process for witnesses.

Copies of record of provost-marshal or board of enrolment, to be evidence.

Penalty for falsely certifying record.

Persons conscientiously opposed to bearing arms, &c., if drafted, how to be treated.

Evidence as to conscientious scruples.

Persons of foreign birth not to be exempted from enrolment or draft, if they have voted, &c.

Claims to exemption to be verified by oath, unless, &c.

party filed in support of a claim to exemption shall also be made upon oath or affirmation.

Exemptions obtained by fraud to be of no effect, and person exempted to be deemed a deserter, &c.

Persons in military service under eighteen may be discharged, &c.

1864, ch. 237, § 5.
Post, p. 380.

Bounty, &c., to be refunded.

Penalty for procuring a false report from surgeon of board of enrolment.

Fees of attorneys, &c., for making papers in claim for exemption.

Physicians not to have fees.

Penalties on attorneys, physicians, officers, clerks, &c., regarding fees, &c.

Who not to be employed in procuring substitutes.

Penalty.

SEC. 20. *And be it further enacted*, That if any person drafted and liable to render military service shall procure a decision of the board of enrolment in his favor upon a claim to exemption by any fraud or false representation practised by himself or by his procurement, such decision or exemption shall be of no effect, and the person exempted, or in whose favor the decision may be made, shall be deemed a deserter, and may be arrested, tried by court-martial, and punished as such, and shall be held to service for the full term for which he was drafted, reckoning from the time of his arrest: *Provided*, That the Secretary of War may order the discharge of all persons in the military service who are under the age of eighteen years at the time of the application for their discharge, when it shall appear upon due proof that such persons are in the service without the consent, either expressed or implied, of their parents or guardians. *And provided further*, That such persons, their parents or guardians, shall first repay to the government and to the state and local authorities all bounties and advance-pay which may have been paid to them, anything in the act to which this is an amendment to the contrary notwithstanding.

SEC. 21. *And be it further enacted*, That any person who shall procure, or attempt to procure, a false report from the surgeon of the board of enrolment concerning the physical condition of any drafted person, or a decision in favor of such person by the board of enrolment upon a claim to exemption, knowing the same to be false, shall, upon conviction in any district or circuit court of the United States, be punished by imprisonment for the period for which the party was drafted.

SEC. 22. *And be it further enacted*, That the fees of agents and attorneys for making out and causing to be executed any papers in support of a claim for exemption from draft, or for any services that may be rendered to the claimant, shall not, in any case, exceed five dollars; and physicians or surgeons furnishing certificates of disability to any claimant for exemption from draft shall not be entitled to any fees or compensation therefor. And any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act, and any physician or surgeon who shall, directly or indirectly, demand or receive any compensation for furnishing said certificates of disability, and any officer, clerk, or deputy connected with the board of enrolment who shall receive compensation from any drafted man for any services, or obtaining the performance of such service required from any member of said board by the provisions of this act, shall be deemed guilty of a high misdemeanor, and, upon conviction, shall, for every such offence, be fined not exceeding five hundred dollars, to be recovered upon information or indictment before any court of competent jurisdiction, one half for the use of any informer who may prosecute for the same in the name of the United States, and the other half for the use of the United States, and shall also be subject to imprisonment for a term not exceeding one year, at the discretion of the court.

SEC. 23. *And be it further enacted*, That no member of the board of enrolment, and no surgeon detailed or employed to assist the board of enrolment, and no clerk, assistant, or employee of any provost-marshal or board of enrolment, shall, directly or indirectly, be engaged in procuring or attempting to procure substitutes for persons drafted, or liable to be drafted, into the military service of the United States. And if any member of a board of enrolment, or any such surgeon, clerk, assistant, or employee, shall procure, or attempt to procure, a substitute for any person drafted, or liable to be drafted, as aforesaid, he shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by imprisonment not less than thirty days, nor more than six months, and pay a fine

not less than one hundred, nor more than one thousand dollars, by any court competent to try the offence.

SEC. 24. *And be it further enacted,* That all able-bodied male colored persons, between the ages of twenty and forty-five years, resident in the United States, shall be enrolled according to the provisions of this act, and of the act to which this is an amendment, and form part of the national forces; and when a slave of a loyal master shall be drafted and mustered into the service of the United States, his master shall have a certificate thereof, and thereupon such slave shall be free; and the bounty of one hundred dollars, now payable by law for each drafted man, shall be paid to the person to whom such drafted person was owing service or labor at the time of his muster into the service of the United States. The Secretary of War shall appoint a commission in each of the slave States represented in Congress, charged to award to each loyal person to whom a colored volunteer may owe service a just compensation, not exceeding three hundred dollars, for each such colored volunteer, payable out of the fund derived from commutations, and every such colored volunteer on being mustered into the service shall be free. And in all cases where men of color have been heretofore enlisted or have volunteered in the military service of the United States, all the provisions of this act, so far as the payment of bounty and compensation are provided, shall be equally applicable as to those who may be hereafter recruited. But men of color, drafted or enlisted, or who may volunteer into the military service, while they shall be credited on the quotas of the several states, or subdivisions of states, wherein they are respectively drafted, enlisted, or shall volunteer, shall not be assigned as state troops, but shall be mustered into regiments or companies as United States colored troops.

Certain colored persons to be enrolled, and form part of the national forces.

Slaves of loyal masters.

Bounty to master.

Commission to determine compensation to loyal masters of colored volunteers.

How to be mustered into service.

SEC. 25. *And be it further enacted,* That the fifteenth section of the act to which this is amendatory be so amended that it will read as follows: That any surgeon charged with the duty of such inspection, who shall receive from any person whomsoever any money or other valuable thing, or agree, directly or indirectly, to receive the same to his own or another's use, for making an imperfect inspection, or a false or incorrect report, or who shall wilfully neglect to make a faithful inspection and true report, and each member of the board of enrolment who shall wilfully agree to the discharge from service of any drafted person who is not legally and properly entitled to such discharge, shall be tried by a court-martial, and, on conviction thereof, be punished by a fine not less than three hundred dollars and not more than ten thousand dollars, shall be imprisoned at the discretion of the court, and be cashiered and dismissed the service.

Penalty upon surgeon for making false report, or negligent inspection;

1863, ch. 75, § 15. Vol. xii. p. 734.

on member of board of enrolment for illegally discharging drafted persons.

SEC. 26. *And be it further enacted,* That the words "precinct" and "election district," as used in this act, shall not be construed to require any subdivision for purposes of enrolment and draft less than the wards into which any city or village may be divided, or than the towns or townships into which any county may be divided.

"Precinct" and "election district," how construed.

SEC. 27. *And be it further enacted,* That so much of the act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-three, as may be inconsistent with the provisions of this act, is hereby repealed.

Repeal of inconsistent provisions.

1863, ch. 75. Vol. xii. p. 731.

APPROVED, February 24, 1864.

CHAP. XIV. — *An Act reviving the Grade of Lieutenant-General in the United States Army.*

Feb. 29, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the grade of lieutenant-general be and the same is hereby revived in the army of the United States; and the President is hereby authorized, whenever he shall deem

Grade of lieutenant-general revived, and

appointment
authorized.

it expedient, to appoint, by and with the advice and consent of the senate, a lieutenant-general, to be selected from among those officers in the military service of the United States, not below the grade of major-general, most distinguished for courage, skill, and ability, who, being commissioned as lieutenant-general, may be authorized, under the direction, and during the pleasure of the President, to command the armies of the United States.

Pay and allow-
ances.

1798. ch. 47,

§ 5.

Vol. i. p. 558.

1842, ch. 186,

§ 6; vol. 5, p.

513.

Rank, pay, &c.,
of General Scott
not affected.

SEC. 2. *And be it further enacted*, That the lieutenant-general appointed as hereinbefore provided shall be entitled to the pay, allowances, and staff specified in the fifth section of the act approved May twenty-eight, seventeen hundred and ninety-eight; and also the allowances described in the sixth section of the act approved August twenty-three, eighteen hundred and forty-two, granting additional rations to certain officers: *Provided*, That nothing in this act contained shall be construed in any way to affect the rank, pay, or allowances of Winfield Scott, lieutenant-general by brevet, now on the retired list of the army.

APPROVED, February 29, 1864.

Feb. 29, 1864.

CHAP. XV. — *An Act to extend the Time for the Withdrawal of Goods from public Stores and bonded Warehouses, and for other Purposes.*

Goods in pub-
lic stores, &c.,
when may be
entered, and
bonds cancelled.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all goods, wares, and merchandise, now in public stores or bonded warehouses, on which duties are unpaid, and which shall have been in bond more than one year, and less than three years, at the time of the passage of this act, may be entered for consumption, and the bonds cancelled at any time before the first day of September next, on payment of duties and charges according to law; and that all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed. This act to take effect from and after its passage.

Repealing
clause.

When act takes
effect.

"License" shall
extend to what.

1862, ch. 163,

§ 15.

Vol. xii. p. 558.

SEC. 2. *And be it further enacted*, That the term "license," in the first proviso to the fifteenth section of the act entitled "An act increasing temporarily the duties on imports, and for other purposes," approved July fourteen, eighteen hundred and sixty-two, shall be held to extend to all vessels authorized by law to engage in the coasting trade, whether sailing under registers or enrolments and licenses.

APPROVED, February 29, 1864.

Feb. 29, 1864.

CHAP. XVI. — *An Act to authorize the Appointment of a Warden of the Jail in the District of Columbia.*

Warden of
jail to be ap-
pointed.

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 shall appoint, by and with the advice and consent of the Senate, some suitable person to be warden of the jail in the District of Columbia, who shall hold his office for the term of four years, and who shall receive an annual salary of sixteen hundred dollars, which shall include all fees and emoluments. And said warden shall annually, in the month of November, make a detailed report to the Secretary of the Interior.

Term, salary.

Report.

Power and
duty of warden.

SEC. 2. *And be it further enacted*, That the said warden shall have the exclusive supervision and control of the jails in said district, and be accountable for the safe-keeping of all the prisoners legally committed thereto, and shall have all the power and discharge all the duties heretofore legally exercised and discharged over said jails and the prisoners therein by the marshal of the said district.

Transportation
of convicts.

SEC. 3. *And be it further enacted*, That the warden of the penitentiary in the said district, upon the order of the supreme court of said district or the Secretary of the Interior, shall transport all convicts sentenced

to imprisonment beyond the limits of said district to the place of confinement, receiving therefor the actual expenses of himself, guard, and of each convict. And in case of absence or other disability of said warden, the warden of said jail, having the custody of said convicts, shall, upon order as aforesaid, transport them to the place of confinement, receiving therefor the compensation aforesaid.

Absence or disability of warden.

SEC. 4. *And be it further enacted*, That said warden shall, before entering upon the duties of the office, execute to the United States a bond for the faithful performance of the duties thereof in the penal sum of five thousand dollars, with sureties to be approved by some judge of the supreme court of said district.

Bond.

SEC. 5. *And be it further enacted*, That all acts and parts of acts coming in conflict with the provisions of this act be, and the same are hereby, repealed.

Repealing clause.

APPROVED, February 29, 1864.

CHAP. XVII. — *An Act supplementary to an Act entitled "An Act to provide Ways and Means for the Support of the Government," approved March third, eighteen hundred and sixty-three.*

March 3, 1864.
1863, ch. 73.
Vol. xii. p. 709.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in lieu of so much of the loan authorized by the act of March third, eighteen hundred and sixty-three, to which this is supplementary, the Secretary of the Treasury is authorized to borrow, from time to time, on the credit of the United States, not exceeding two hundred millions of dollars during the current fiscal year, and to prepare and issue therefor coupon or registered bonds of the United States, bearing date March first, eighteen hundred and sixty-four, or any subsequent period, redeemable at the pleasure of the government after any period not less than five years, and payable at any period not more than forty years from date, in coin, and of such denominations as may be found expedient, not less than fifty dollars, bearing interest not exceeding six per centum a year, payable on bonds not over one hundred dollars, annually, and on all other bonds semi-annually, in coin; and he may dispose of such bonds at any time, on such terms as he may deem most advisable, for lawful money of the United States, or, at his discretion, for treasury notes, certificates of indebtedness, or certificates of deposit, issued under any act of congress; and all bonds issued under this act shall be exempt from taxation by or under state or municipal authority. And the Secretary of the Treasury shall pay the necessary expenses of the preparation, issue, and disposal of such bonds out of any money in the treasury not otherwise appropriated, but the amount so paid shall not exceed one half of one per centum of the amount of the bonds so issued and disposed of.

Secretary of the Treasury may borrow not over \$200,000, 000, and issue therefor five-forty bonds or five per cent. principal and interest payable in coin.

Denominations How disposed. Exempt from taxation.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to issue to persons who subscribed on or before the twenty-first day of January, eighteen hundred and sixty-four, for bonds redeemable after five years and payable twenty years from date, and have paid into the treasury the amount of their subscriptions, the bonds by them respectively subscribed for, not exceeding eleven millions of dollars, notwithstanding that such subscriptions may be in excess of five hundred millions of dollars; and the bonds so issued shall have the same force and effect as if issued under the provisions of the act to "authorize the issue of United States notes and for other purposes," approved February twenty-sixth [fifth], eighteen hundred and sixty-two.

Five-twenty bonds may be issued to certain subscribers.

1862, ch. 33.
Vol. xii. p. 345.

APPROVED, March 3, 1864.

March 3, 1864. CHAP. XVIII. — *An Act to provide for the Protection of Overland Emigration to the States and Territories of the Pacific.*

Appropriation for protection of overland emigrants. Routes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the protection of emigrants by the overland route to the states and territories of the Pacific, the sum of forty thousand 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 Secretary of War: *Provided,* That ten thousand dollars of said appropriation shall be applied to the protection of emigrants on the route from Fort Abercrombie by Fort Benton, and the further sum of ten thousand dollars of said appropriation shall be applied to the protection of emigrants on the route from Niobrarah, on the Missouri River, by the valley of the Niobrarah and Gallatin, in Idaho.

APPROVED, March 3, 1864.

March 7, 1864. CHAP. XX. — *An Act to increase the Internal Revenue, and for other Purposes.*

Duty on spirits distilled and sold, &c. 1862, ch. 119, § 41. Vol. xii. p. 447.

Basis of collection of duty.

Penalty for having for purposes of sale, in fraud of the revenue, spirits or other articles, &c., and same may be seized.

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, in lieu of the duty provided for in section forty-one of an act entitled "An act to support the government and to pay interest on the public debt," approved July first, eighteen hundred and sixty-two, and in addition to duties payable for licenses, there shall be levied, collected, and paid on all spirits that may be distilled and sold, or distilled and removed for consumption or sale previous to the first day of July next, of first proof, the duty of sixty cents on each and every gallon; and said duty shall be a lien and charge on such spirits, and also on the interest of all persons in default in the distillery used for distilling the same, with all the stills, vessels, fixtures, and tools therein, and in the lot or tract of land whereon the said distillery is situated, until the said duty shall be paid: *Provided,* That the said duty on spirituous liquors, and all other spirituous beverages enumerated in this act, shall be collected at no lower rate than the basis of first proof, and shall be increased in proportion for any greater strength than the strength of first proof.

SEC. 2. *And be it further enacted,* That all spirits or other articles on which duties are imposed by the provisions of this act, or of the act referred to in the first section of this act and amendments thereto, which shall be found in the possession or custody or within the control of any person or persons, for the purpose of being sold by such person or persons, in fraud of the internal revenue laws, as heretofore referred to, or with design to avoid payment of said duties, may be seized by any collector or deputy collector who shall have reason to believe that the same are possessed, had, or held for the purpose or design aforesaid, that the same shall be forfeited to the United States; and also all articles of raw materials found in the possession of any person or persons intending to manufacture the same for the purpose of being sold by them, in fraud of said laws, or with design to evade the payment of said duties, and also all tools, implements, instruments, and personal property whatsoever used in the place or building, or within any yard or enclosure where such articles on which duties are imposed, as aforesaid, shall be found, may also be seized by any collector or deputy collector, as aforesaid, and the same shall be forfeited as aforesaid; and the proceedings to enforce said forfeiture shall be in the nature of a proceeding *in rem* in the circuit or district court of the United States for the district where such seizure is made, or in any other court of competent jurisdiction; and any person who shall have in his custody or possession any such spirits or other articles, subject to duty as aforesaid, for the purpose of selling the same with the design of avoiding payment of the duties imposed thereon, shall be liable to a penalty of five hundred dollars, or not less than double the amount of duties fraudulently

Proceedings *in rem*.

attempted to be evaded, to be recovered and applied as other penalties provided by the act heretofore mentioned. And the spirits and other articles which shall be so seized by any collector or deputy collector shall, during the pendency of such proceedings, be delivered to the marshal of said district, and remain in his care and custody, and under his control, until final judgment in such proceedings shall be rendered: *Provided, however,* That when the property so seized may be liable to perish or become greatly reduced in value by keeping, or when it cannot be kept without great expense, the owner thereof or the marshal of the district may apply to the assessor of the district to examine said property; and if, in the opinion of said assessor, it shall be necessary that the said property should be sold to prevent such waste or expense, he shall appraise the same; and the owner thereupon shall have said property returned to him upon giving bond in such form as may be prescribed by the commissioner of internal revenue, and in an amount equal to the appraised value, with such sureties as the said appraiser shall deem good and sufficient, to abide the final order, decree, or judgment of the court having cognizance of the case, and to pay the amount of said appraised value to the marshal or otherwise, as he may be ordered and directed by the court, which bond shall be filed by said appraiser with the commissioner of internal revenue. But if said owner shall neglect or refuse to give said bond, the appraiser shall issue to the marshal aforesaid an order to sell the same. And the said marshal shall thereupon advertise and sell the said property at public auction in the same manner as goods may be sold on final execution in said district. And the proceeds of the sale, after deducting the reasonable costs of the seizure and sale, shall be paid to the court aforesaid, to abide its final order, decree, or judgment.

Custody of property during pendency of proceedings.

Provision in case of perishable property.

SEC. 3. *And be it further enacted,* That all distilled spirits upon which an excise duty is imposed by law may be exported without payment of said duty, and, when the same is intended for exportation, may, without being charged with duty, be removed under such rules and regulations and upon the execution of such transportation bonds or other security as the Secretary of the Treasury may prescribe; said bonds or other security to be taken by the collector of internal revenue of the district from which such removal is made: *Provided,* That the said spirits shall be transported directly from the distillery or a bonded warehouse to a bonded warehouse established in conformity with the law and treasury regulations, at a port of entry of the United States, and used for the storage of distilled spirits, and be placed in charge of a proper officer of the customs, who, together with the owner and proprietor of the warehouse, shall have the joint custody of all the distilled spirits stored in said warehouse. And all the labor on the goods so stored shall be performed by the owner or proprietor of the warehouse, under the supervision of the officer of the customs in charge of the same, and at the expense of the said owner or proprietor; and the said spirits shall also be subject to the same rules and regulations, and be chargeable with the same costs and expenses, in all respects, to which other goods that are deposited in public store for exportation from the United States may be subject. And no drawback shall in any case be allowed on any distilled spirits upon which an excise duty shall have been paid either before or after it shall have been placed in a bonded warehouse as aforesaid; but no provision of this act shall be construed to repeal existing laws which provide that distilled spirits may be removed from the place of manufacture or bonded warehouse for the purpose of being redistilled for exportation, or which provide for the manufacture for exportation of medicines, preparations, compositions, perfumery, and cosmetics; or which provide for an allowance or drawback on cordials and other liquors when exported.

Certain distilled spirits may be exported without payment of duty.

Drawback not allowed, &c.

Certain laws not repealed hereby.

SEC. 4. *And be it further enacted,* That from and after the passage of this act, in lieu of the duties provided in the act referred to in the first

Duty on cotton.

section of this act, there shall be levied, collected, and paid upon all cotton produced or sold and removed for consumption, and upon which no duty has been levied, paid, or collected, a duty of two cents per pound; and such duty shall be and remain a lien thereon until said duty shall have been paid, in the possession of any person whomsoever. And further, if any person or persons, corporation or association of persons remove, carry, or transport the same, or procure any other party or parties to remove, carry, or transport the same from the place of its production, with the intent to evade the duty thereon, or to defraud the government, before said duty shall have been paid, such person or persons, corporation, or association of persons shall forfeit and pay to the United States double the amount of said duty, to be recovered in any court of competent jurisdiction: *Provided*, That all cotton sold by or on account of the government of the United States shall be free and exempt from duty at the time of and after the sale thereof, and the same shall be marked free, and the purchaser furnished with such a bill of sale as shall clearly and accurately describe the same, which shall be deemed and taken to be a permit authorizing the sale or removal thereof.

Penalty for removing cotton, with intent to evade, &c., duty

Cotton sold by government.

Duty to be marked on the bales, &c.

Permit for removal.

Duties of assessors and collectors in assessing and collecting the duty.

SEC. 5. *And be it further enacted*, That every collector to whom any duty upon cotton shall be paid shall mark the bales, or *rather* [other] packages, upon which the duty shall have been paid, in such manner as may clearly indicate the payment thereof, and shall give to the owner, or other person having charge of such cotton, a permit for the removal of the same, stating therein the amount and payment of the duty, the time and place of payment, the weight and marks upon the bales and packages, so that the same may be fully identified. Whenever any cotton, the product of the United States, shall arrive at any port of the United States from any state in insurrection against the government, the assessor or assistant assessor, under the act referred to in the first section of this act, shall immediately assess the taxes due thereon, and shall, without delay, return the same to the collector or deputy collector of said district, and the said collector or deputy collector shall demand of the owner or other person having charge of such cotton, the tax imposed by this act, and assessed thereon, unless evidence of previous payment of said tax shall be produced, under such regulations as the commissioner of internal revenue, by the direction of the Secretary of the Treasury, shall from time to time prescribe; and in case the tax so assessed shall not be paid to such collector within thirty days after demand, the collector or deputy collector, as aforesaid, shall institute proceedings for the recovery of the tax, which shall be a lien upon said cotton from the time when said assessment shall be made.

Drawback.

SEC. 6. *And be it further enacted*, That, from and after the date on which this act takes effect, in computing the allowance or drawback upon articles manufactured exclusively of cotton when exported, there shall be allowed, in addition to the three per centum duty which shall have been paid on such articles, a drawback of two cents per pound upon such articles in all cases where the duty imposed by this act upon the cotton used in the manufacture thereof shall be satisfactorily shown to have been previously paid, the amount of said drawback to be ascertained in such manner as may be prescribed by the commissioner of internal revenue, under the direction of the Secretary of the Treasury.

Additional duties on distilled spirits.

SEC. 7. *And be it further enacted*, That, from and after the passage of this act, in addition to the duties heretofore imposed by law, there shall be levied, collected, and paid on spirits distilled from grain or other materials, whether of American or foreign production, imported from foreign countries previous to the first day of July next, of first proof, a duty of forty cents on each and every gallon, and no lower rate of duty shall be levied or collected than upon the basis of first proof, and shall be increased in proportion for any greater strength than the strength of first proof; and

that upon all such spirits imported prior to the passage of this act there shall be levied, collected, and paid an additional tax of forty cents per gallon, to be collected under the direction and according to regulations established by the Secretary of the Treasury.

SEC. 8. *And be it further enacted*, That consuls of foreign countries in the United States, who are not citizens thereof, shall be, and hereby are, exempt from any income tax imposed by the act referred to in the first section of this act, which may be derived from their official emoluments, or from property in such countries: *Provided*, That the governments which such consuls may represent shall extend similar exemption to consuls of the United States.

Certain consuls, &c., not subject to the income tax.

Proviso.

SEC. 9. *And be it further enacted*, That the provisions of the act entitled "An act further to provide for the collection of duties on imports," approved March second, one thousand eight hundred and thirty-three, now in force, shall be taken and deemed as extending to and embracing all laws for the collection of internal duties, stamp duties, licenses, or taxes, which have been or may be hereafter enacted; and all persons duly authorized to assess, receive, or collect such duties or taxes under such laws, are hereby declared to be and to have been "revenue officers," within the true intent and meaning of the said act, and entitled to all the exemptions, immunities, benefits, rights, and privileges therein enumerated and conferred.

Provisions of former act extended. 1833, ch. 57. Vol. iv. p. 632.

Who to be deemed "revenue officers."

APPROVED, March 7, 1864.

CHAP. XXI.—*An Act to incorporate the Washington City Savings Bank.*

March 8, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William B. Todd, William P. Dole, Edward Clark, Edward J. Simms, Joseph J. Coombs, Z. C. Robbins, Thomas S. Gardner, John R. Elvans, and Samuel B. Niles, and their associates and successors, are constituted and created a body corporate and politic, by the name of "The Washington City Savings Bank."

Washington City Savings Bank incorporated.

SEC. 2. *And be it further enacted*, That the officers of said corporation shall consist of a president and vice-president, who, together with seven trustees, shall constitute a board of managers, four of whom, if the president or vice-president be present, shall constitute a legal meeting of such board for the transaction of business.

Name. Officers; Quorum.

SEC. 3. *And be it further enacted*, That said corporation shall meet annually in the month of April, and as much oftener as they may judge expedient, and any seven members of said corporation, the president, secretary, or treasurer being one, shall be a quorum, and the said corporation at their annual meeting shall have power to elect a president and a treasurer, who shall give bond, in the sum of ten thousand dollars, for the faithful discharge of the duties of his office, and all such other officers as may be deemed necessary; which officers shall continue in office one year, and until others are chosen in their stead, and all officers so chosen shall be under oath to the faithful discharge of the duties of their offices, respectively.

Annual and other meetings.

Quorum. President. Treasurer, his bond.

Term of office.

Oath.

SEC. 4. *And be it further enacted*, That said corporation may receive on deposit, for the use and benefit of the depositors, all sums of money offered for that purpose: *Provided, however*, That it shall not hold at the same time more than one thousand dollars of any one depositor, other than a religious or charitable corporation. All such sums may be invested in the stock of any bank incorporated by congress, or may be loaned on interest to any such bank, or may be loaned on bonds or notes, with collateral security of the stock of such banks at not more than ninety per centum of its par value, or they may be invested in the public funds of the United States, of the several states, or loaned on a pledge of any of said funds, or invested in loans on mortgages of real estate: *Provided*,

Deposits.

Limit. Investments.

Limitation of investments. That the whole amount of stock held by the institution at one time in any one bank, both by way of investment and as a surety for loans, shall not exceed one half of its capital stock of such bank, and that not more than three quarters of the whole sum deposited in the institution shall be at any one time invested in mortgages of real estate. The income or interest of all deposits shall be divided among the depositors, or their legal representatives, according to the terms of interest stipulated; and the principal may be withdrawn at such times, or in such manner, as the corporation shall in its by-laws direct.

Dividends.

Principal, how withdrawn.

Officers, &c., not to borrow of corporation.

Penalty for embezzling funds.

Bond and salary of subordinate officers.

Organization.

Trustees and managers.

Annual report;

to be sworn to.

Books of corporation to be open, &c.

By-laws; seal; deeds, &c.

When act to take effect.

SEC. 5. *And be it further enacted*, That no officer, director, or committee charged with the duty of investing the deposits, shall borrow any portion thereof, or use the same, except in payment of the expenses of the corporation; and if any officer, director, agent, or other person connected with said bank, and interested with the funds or deposits thereof, shall embezzle or fraudulently convert the same to his own use, he shall be deemed guilty of larceny, and shall, on conviction thereof, by any court competent to try the offence, be imprisoned in the penitentiary not less than one, nor more than ten, years.

SEC. 6. *And be it further enacted*, That the subordinate officers and agents of said corporation shall respectively give such security for their fidelity and good conduct as the board of managers may from time to time require, and said board shall fix the salaries of such officers and agents.

SEC. 7. *And be it further enacted*, That the persons named as corporators in the first section of this act shall be authorized to meet and organize said bank by the election of one of their number as president, and one as vice-president, and thereupon shall proceed to elect such persons as they shall select, not herein named as corporators, to be added to their board of managers, so that the whole number of trustees, or managers, including the president and vice-president, shall not exceed nine persons.

SEC. 8. *And be it further enacted*, That this corporation shall make an annual report to congress of their funds and investments. Said returns shall specify the following particulars, namely: The number of depositors; total amount of deposits; amount invested in bank stock and deposited in bank on interest; amount secured by bank stock; amount invested in public funds; loans on security of public funds; loans on mortgage of real estate; loans on personal securities; amount of cash on hand; total dividends of the year; annual expenses of the institution; all of which shall be certified and sworn to by the treasurer; and five or more of the managers shall also certify and make oath that the said return is correct according to their best knowledge and belief.

SEC. 9. *And be it further enacted*, That the books of said corporation shall, at all times during their hours of business, be open for inspection and examination to the comptroller of the currency or depositors.

SEC. 10. *And be it further enacted*, That said corporation may make by-laws for the more orderly management of their business, not repugnant to law; may have a common seal, which they may change at pleasure; that all deeds, grants, covenants, and agreements, made by their treasurer, or any other person by their authority, shall be good and valid; and said corporation shall have power to sue and may be sued, defend, and be held to answer by the name aforesaid.

SEC. 11. *And be it further enacted*, This act shall take effect and be in force from and after its passage.

APPROVED, March 8, 1864.

March 8, 1864.

CHAP. XXII. — *An Act to enable Guardians and Committees of Lunatics, appointed in the several States, to act within the District of Columbia.*

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 any

person, appointed the committee of a lunatic, or the guardian of a minor or lunatic, by the proper authority in any state or territory of the United States, to institute and prosecute to final judgment any suit or action in the courts of the District of Columbia, as he might have done if his authority as such guardian or committee had been derived from the proper tribunals of said district; and such committee or guardian may in the same manner collect and receive any sum of money due to such lunatic or minor, and may by deed, duly executed, release and convey to any party entitled to the same, whether by purchase or otherwise, any lands or estates situated in the District of Columbia, the property of such lunatic or minor, or to or upon which such lunatic or minor may have a claim or mortgage, in the same manner as he might have done if his authority had been derived from the tribunals of said district: *Provided*, That such committee or guardian, before making any conveyance of real estate or release of claim, or mortgage thereon, shall file in the orphans' court of said district the official certificate of the judge of the court from which such committee or guardian derived his appointment, that he has given a sufficient bond to account to the minor or lunatic for all sums of money received by virtue of the authority conferred by this act.

Guardians, &c. of lunatics may act within the District of Columbia.

Proviso.

SEC. 2. *And be it further enacted*, That all payments heretofore made within the District of Columbia to the committee or guardian of a lunatic or the guardian of a minor duly appointed at the domicile of the lunatic or minor out of the District of Columbia, in the United States, shall be good and sufficient: *Provided*, That said guardian or committee shall file in the orphans' court in said district, the official certificate of the judge of the court from which such committee or guardian derived his appointment, that he has given sufficient bond to account to the minor or lunatic for all payments so made: *And provided further*, That in all cases the evidence of the appointment and authority of such committee or guardian shall be first recorded in the office of the orphans' court of said district.

Former payments to such guardians declared sufficient.

Proviso.

APPROVED, March 8, 1864.

CHAP. XXIII. — *An Act to apportion the Expenses of the Levy Court of the County of Washington upon the Basis of Population.* March 8, 1864.

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 corporate authorities of the city of Washington, the corporate authorities of the city of Georgetown, and the county authorities of the county of Washington, in the District of Columbia, shall contribute to the expenses of the levy court of the county of Washington, incurred on account of the orphans' court, the office of coroner, and the jail of said county, whenever hereafter imposed by law, in the following proportions, to wit: the city of Washington twelve fifteenths, the city of Georgetown two fifteenths, and the county of Washington one fifteenth of said expenses.

Expenses of Levy Court, how apportioned.

SEC. 2. *And be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act, be, and they are hereby, repealed.

Repeal of inconsistent laws.

APPROVED, March 8, 1864.

CHAP. XXIV. — *An Act to authorize the Enrolment and License of the Steam-tugs B. F. Davidson and W. K. Muir.* March 8, 1864.

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 grant the enrolment and license of the steam-tugs B. F. Davidson and W. K. Muir, now owned by William Porter and William Lurkins, of Milwaukie, in the State of Wisconsin, upon such terms, not inconsistent with law, as to him shall seem just and proper.

Steam-tugs B. F. Davidson and W. K. Muir to be enrolled and licensed.

APPROVED, March 8, 1864.

March 11, 1864. CHAP. XXVII. — An Act to establish a uniform System of Ambulances in the Armies 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 medical director, or chief medical officer, of each army corps shall, under the control of the medical director of the army to which such army corps belongs, have the direction and supervision of all ambulances, medicine, and other wagons, horses, mules, harness, and other fixtures appertaining thereto, and of all officers and men who may be detailed or employed to assist him in the management thereof, in the army corps in which he may be serving.

Ambulances, who to have direction, &c., of.

Officers and men of the ambulance corps.

To be examined.

Two-horse ambulances to be furnished each army corps.

Distribution.

Horse and mule litters.

Captain, authority and duties of.

Condition of ambulances.

Instruction of officers and men.

Drill.

SEC. 2. And be it further enacted, That the commanding officer of each army corps shall detail officers and enlisted men for service in the ambulance corps of such army corps, upon the following basis, viz: one captain, who shall be commandant of said ambulance corps; one first lieutenant for each division in such army corps; one second lieutenant for each brigade in such army corps; one sergeant for each regiment in such army corps; three privates for each ambulance, and one private for each wagon; and the officers and non-commissioned officers of the ambulance corps shall be mounted: *Provided*, That the officers, non-commissioned officers, and privates so detailed for each army corps shall be examined by a board of medical officers of such army corps as to their fitness for such duty; and that such as are found to be not qualified shall be rejected, and others detailed in their stead.

SEC. 3. And be it further enacted, That there shall be allowed and furnished to each army corps two-horse ambulances, upon the following basis, to wit: three to each regiment of infantry of five hundred men or more; two to each regiment of infantry of more than two hundred and less than five hundred men or more; and one to each regiment of infantry of less than two hundred men; two to each regiment of cavalry of five hundred men or more; and one to each regiment of cavalry of less than five hundred men; one to each battery of artillery, to which battery of artillery it shall be permanently attached; to the head-quarters of each army corps two such ambulances; and to each division train of ambulances two army wagons; and ambulances shall be allowed and furnished to division brigades and commands not attached to any army corps, upon the same basis; and each ambulance shall be provided with such number of stretchers and other appliances as shall be prescribed by the surgeon-general: *Provided*, That the ambulances and wagons herein mentioned shall be furnished, so far as practicable, from the ambulances and wagons now in the service.

SEC. 4. And be it further enacted, That horse- and mule-litters may be adopted or authorized by the Secretary of War, in lieu of ambulances, when judged necessary, under such rules and regulations as may be prescribed by the medical director of each army corps.

SEC. 5. And be it further enacted, That the captain shall be the commander of all the ambulances, medicine, and other wagons in the corps, under the immediate direction of the medical director, or chief medical officer of the army corps to which the ambulance corps belongs. He shall pay special attention to the condition of the ambulances, wagons, horses, mules, harness, and other fixtures appertaining thereto, and see that they are at all times in readiness for service; that the officers and men of the ambulance corps are properly instructed in their duties, and that their duties are performed, and that the regulations which may be prescribed by the Secretary of War, or the surgeon-general, for the government of the ambulance corps are strictly observed by those under his command. It shall be his duty to institute a drill in his corps, instructing his men in the most easy and expeditious manner of moving the sick and wounded, and to require in all cases that the sick and wounded shall be treated with gentleness and care, and that the ambulances and wagons are

at all times provided with attendants, drivers, horses, mules, and whatever may be necessary for their efficiency; and it shall be his duty also to see that the ambulances are not used for any other purpose than that for which they are designed and ordered. It shall be the duty of the medical director, or chief medical officer of the army corps, previous to a march, and previous to and in time of action, or whenever it may be necessary to use the ambulances, to issue the proper orders to the captain for the distribution and management of the same, for collecting the sick and wounded, and conveying them to their destination. And it shall be the duty of the captain faithfully and diligently to execute such orders; and the officers of the ambulance corps, including the medical director, shall make such reports, from time to time, as may be required by the Secretary of War, the surgeon-general, the medical director of the army, or the commanding officer of the army corps in which they may be serving; and all reports to higher authority than the commanding officer of the army corps shall be transmitted through the medical director of the army to which such army corps belongs.

Orders to be issued previous to a march or in action.

Reports.

SEC. 6. *And be it further enacted*, That the first lieutenant assigned to the ambulance corps for a division shall have complete control, under the captain of his corps and the medical director of the army corps, of all the ambulances, medicine, and other wagons, horses, mules, and men in that portion of the ambulance corps. He shall be the acting assistant-quartermaster for that portion of the ambulance corps, and will receipt for and be responsible for all the property belonging to it, and be held responsible for any deficiency in anything appertaining thereto. He shall have a travelling cavalry forge, a blacksmith, and a saddler, who shall be under his orders, to enable him to keep his train in order. He shall have authority to draw supplies from the depot quartermaster, upon requisitions approved by the captain of his corps, the medical director, and the commander of the army corps to which he is attached. It shall be his duty to exercise a constant supervision over his train in every particular, and keep it at all times ready for service.

First lieutenant, authority and duties of.

SEC. 7. *And be it further enacted*, That the second lieutenant shall have command of the portion of the ambulance corps for a brigade, and shall be under the immediate orders of the first lieutenant, and he shall exercise a careful supervision over the sergeants and privates assigned to the portion of the ambulance corps for his brigade; and it shall be the duty of the sergeants to conduct the drills and inspections of the ambulances under his orders, of their respective regiments.

Second lieutenant, authority and duties of.

SEC. 8. *And be it further enacted*, That the ambulances in the armies of the United States shall be used only for the transportation of the sick and wounded, and, in urgent cases only, for medical supplies; and all persons shall be prohibited from using them, or requiring them to be used, for any other purpose. It shall be the duty of the officers of the ambulance corps to report to the commander of the army corps any violation of the provisions of this section, or any attempt to violate the same. And any officer who shall use an ambulance, or require it to be used, for any other purpose than as provided in this section, shall, for the first offence, be publicly reprimanded by the commander of the army corps in which he may be serving, and for the second offence shall be dismissed from the service.

Ambulances to be used only for, &c.

Penalty.

SEC. 9. *And be it further enacted*, That no person except the proper medical officers, or the officers, non-commissioned officers, and privates of the ambulance corps, or such persons as may be specially assigned, by competent military authority, to duty with the ambulance corps for the occasion, shall be permitted to take, or accompany sick or wounded men to the rear, either on the march or upon the field of battle.

What officers and men only to take the wounded, &c. to the rear.

SEC. 10. *And be it further enacted*, That the officers, non-commissioned officers, and privates of the ambulance corps shall be designated by such

Designation;

uniform of the corps.

Officers and men, how detailed, &c.

Names of officers and men to be sent to office of adjutant-general.

Report of conduct, &c.

Authority of commanders not impaired by this act.

uniform, or in such manner as the Secretary of War shall deem proper: *Provided*, That officers and men may be relieved from service in said corps, and others detailed to the same, subject to the examination provided in the second section of this act, in the discretion of the commanders of the armies in which they may be serving.

SEC. 11. *And be it further enacted*, That it shall be the duty of the commander of the army corps to transmit to the adjutant-general the names and rank of all officers and enlisted men detailed for service in the ambulance corps of such army corps, stating the organizations from which they may have been so detailed; and if such officers and men belong to volunteer organizations, the adjutant-general shall thereupon notify the governors of the several states in which such organizations were raised, of their detail for such service; and it shall be the duty of the commander of the army corps to report to the adjutant-general, from time to time, the conduct and behavior of the officers and enlisted men of the ambulance corps, and the adjutant-general shall forward copies of such reports, so far as they relate to officers and enlisted men of volunteer organizations, to the governors of the states in which such organizations were raised.

SEC. 12. *And be it further enacted*, That nothing in this act shall be construed to diminish or impair the rightful authority of the commanders of armies, army corps, or separate detachments, over the medical and other officers, and the non-commissioned officers and privates of their respective commands.

APPROVED, March 11, 1864.

March 11, 1864. CHAP. XXVIII. — *An Act to constitute Parkersburg, in the State of West Virginia, a Port of Delivery.*

Parkersburg, in West Virginia, made a port of delivery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Parkersburg, in the State of West Virginia, shall be, and is hereby, constituted a port of delivery, within the collection district of New Orleans; and there shall be appointed a surveyor of customs to reside at said port, who shall, in addition to his own duties, perform the duties and receive the salary and emoluments prescribed by the act of congress approved on the second of March, eighteen hundred and thirty-one, for importing merchandise into Pittsburg, Wheeling, and other places.

APPROVED, March 11, 1864.

March 14, 1864. CHAP. XXX. — *An Act to supply Deficiencies in the Appropriations for the Service of the Fiscal Year ending the thirtieth of June, eighteen hundred and sixty-four, and for other Purposes.*

Deficiency appropriation for 1864.

Southeast Executive building.

Branch mint at Denver.

Interior Department.

Returns clerk.

Surveyor-general.

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 to supply deficiencies in the appropriations for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-four, out of any money in the treasury not otherwise appropriated:—

For contingent expenses of the Southeast executive building, including the extension, viz: For fuel, labor, light, and miscellaneous items, thirteen thousand three hundred and five dollars.

For supplying a deficiency in the current expenses of the branch mint at Denver, for the current fiscal year, eighteen thousand three hundred and seventy-seven dollars and sixty-nine cents.

Interior Department.— For compensation of returns clerk, from January first to June thirtieth, eighteen hundred and sixty-four, six hundred dollars.

For compensation of the surveyor-general of Illinois and Missouri, to the thirty-first of October, eighteen hundred and sixty-three, when the

office was closed, one thousand six hundred and sixty-eight dollars and forty-eight cents.

For compensation of the surveyor-general of Arizona, and the clerks in his office, four thousand two hundred and fifty dollars.

To supply deficiencies in the Department of Agriculture for the current year, as follows: — Department of Agriculture.

For the purchase of sorghum seed, two thousand dollars.

For rebuilding shop in the propagating garden, eight hundred dollars.

For postage, thirteen hundred and twenty dollars.

For carpets, furniture, and cans for fruit, three hundred and fifty dollars.

For fuel, three hundred dollars.

War Department. — For supplying a deficiency in the appropriations for the payment of the clerks, messengers, copyists, and laborers in the office of the quartermaster-general, one hundred and fifty-six thousand six hundred and fifty-one dollars and sixty-six cents. War Department.
Clerks, &c.

For salary of an additional assistant secretary of war, fifteen hundred dollars. Additional assistant secretary.

To supply a deficiency in the appropriation for the purchase and manufacture of arms for volunteers and regulars, ordnance and ordnance stores, seven millions seven hundred thousand dollars. Arms, ordnance, and ordnance stores.

To supply a deficiency in the appropriation for the manufacture of arms at the national armory, seven hundred thousand dollars.

To supply a deficiency in the appropriation for the surgeon-general's department, to wit: — Surgeon-general's department.

For medical instruments and dressings, one million three hundred thousand dollars. Instruments and dressings.

For hospital stores, bedding, etc., one million two hundred thousand dollars. Hospital stores, &c.

For hospital furniture and field equipments, three hundred thousand dollars.

For books, stationery, and printing, thirty-six thousand dollars. Books, &c.

For ice, fruits, and other comforts, one hundred thousand dollars. Ice, fruits, &c.

For hospital clothing, forty thousand dollars.

For citizen-nurses, thirty-eight thousand dollars.

For sick soldiers in private hospitals, seventeen thousand dollars.

For artificial limbs for soldiers and seamen, sixteen thousand dollars.

For citizen-physicians and medicines furnished by them, one hundred and eighty-five thousand dollars. Artificial limbs.
Citizen-physicians.

For hire of clerks and laborers in purveying depots, twenty-five thousand dollars.

For contingent expenses of the medical department, five thousand dollars.

For medicines and medical attendance for negro refugees, commonly called "contrabands," thirty-three thousand dollars. Contrabands.

For washing and washing-machines for hospitals, where matrons cannot be employed, one thousand dollars.

To supply a deficiency in the appropriation for the subsistence of the army, to wit: — Subsistence department.

For volunteers and drafted men, five millions eight hundred and twenty-four thousand dollars.

For employees, six hundred [and] forty thousand six hundred and forty dollars.

For women, two hundred [and] eighteen thousand and four hundred dollars.

To supply a deficiency in the appropriation for the engineer department: — Engineer department.

For contingencies of fortifications, including field-works, five hundred thousand dollars. Fortifications.

- Quartermaster's department. To supply a deficiency in the appropriation for the quartermaster's department, to wit:—
- Horses. For purchase of cavalry and artillery horses, seventeen millions five hundred thousand dollars.
- Supplies. For regular supplies of the quartermaster's department, eighteen millions five hundred thousand dollars.
- Barracks. For barracks, quarters, etc., three millions five hundred thousand dollars.
- Transportation. For transportation of the army, thirty millions of dollars.
For incidental expenses of the quartermaster's department, two millions of dollars.
- Clothing, camp equipage, &c. For transportation of officers' baggage, one hundred thousand dollars.
For clothing, camp, and garrison equipage, seven millions of dollars.
- Adjutant-General's department. To supply a deficiency in the appropriation for the adjutant-general's department:—
- Navy department. For purchase of books of tactics, twenty-five thousand dollars.
Navy Department.—To supply a deficiency in the appropriation for fuel, and equipment and recruiting, in the bureau of equipment and recruiting, two million dollars.
- Clothing. To supply a deficiency in the appropriation for clothing for the navy, three hundred and fifty thousand dollars.
- Naval academy. To supply a deficiency in the appropriation for contingent expenses of the naval academy, thirty-eight thousand dollars.
- Codification of naval laws. Vol. xii. p. 825. For salary of commissioner to codify the naval laws, under joint resolution of March third, eighteen hundred and sixty-three, three thousand nine hundred and eighty-three dollars and sixty-seven cents.
- Norfolk navy yard. For additional repairs at the Norfolk navy yard, one hundred and fifty thousand dollars.
- Works at Port Royal. For wharf, machine-shop, bridge, buildings for naval stores, and other works at Port Royal, South Carolina, one hundred and forty-four thousand and six hundred dollars.
- Foundry, &c. at Brooklyn navy yard. To supply a deficiency in the appropriation for filling in the grounds for the new foundry at the Brooklyn navy yard, forty-five thousand nine hundred and seventy-five dollars.
For temporary storehouse for provisions at the Brooklyn navy yard, two thousand dollars.
- Boston navy yard. For temporary storehouse for provisions at the Boston navy yard, two thousand dollars.
- State department. *State Department.*—For salary of the minister at Salvador, from April sixteenth, eighteen hundred and sixty-three, to June thirtieth, eighteen hundred and sixty-four, at seven thousand five hundred dollars per annum, nine thousand sixty-two dollars and fifty cents.
- Miscellaneous. *Miscellaneous.*—For salaries of clerks, messengers, watchmen, and porter, in the office of the assistant treasurer at New York, twelve thousand dollars.
- Assistant treasurer. For additional allowance to clerks in the office of the assistant treasurer at Boston, two thousand dollars.
For compensation to designated depositaries, two thousand dollars.
For salaries of designated depositary at Santa Fé, New Mexico, and the clerk, watchman, and porter in his office, four thousand eight hundred dollars.
- Electric telegraph. For supplying deficiency in the appropriation for facilitating communication between the Atlantic and Pacific States by electrical telegraph, twenty thousand dollars.
- Treasury extension. For refunding to the appropriation for the treasury extension the amount of payments made out of that fund for furniture, night-watch, and other miscellaneous items, one hundred and fifty thousand dollars.
For the continuation of the north wing of the treasury extension, fencing, grading, and miscellaneous items, two hundred and fifty thousand dollars.

For furniture, carpets, and miscellaneous items for the treasury building, twenty-five thousand dollars.

For the payment of claims due various parties for furniture and for the alterations in the offices of the assistant treasurer and collector of customs at New York, and for constructing burglar-proof vaults, eighty thousand dollars.

New York Custom-house, &c.

For completing the repairs of the government warehouse on Staten Island, ten thousand dollars.

For alterations of the custom-house at Cincinnati, Ohio, twenty-five thousand dollars.

Custom-houses, &c.

For alterations of the custom-house at Louisville, Kentucky, fifteen thousand dollars.

For completion of the custom-house at Dubuque, Iowa, thirty thousand dollars.

For repairs and preservation of custom-houses, marine hospitals, and other public buildings, under the supervision of the treasury department, ten thousand dollars.

For furniture and repairs of furniture of the various public buildings, under the supervision of the treasury department, five thousand dollars.

For the payment of Ephraim Swett, for services as superintendent of the custom-house at Belfast, Maine, nine hundred and ninety-two dollars.

Ephraim Swett.

For erecting new furnaces in the basement of the east wing of the patent-office building, fifteen thousand dollars.

Patent-office building.

For repairs of rooms in sub-basement of the west wing of the patent-office building, five thousand dollars.

For the capitol extension, one hundred and fifty thousand dollars.

Capitol extension.

For the construction of water-closets in the basement of the south front of the patent-office building, two thousand dollars.

For deficiency in the appropriation for keeping in repair and partially finishing and furnishing the post-office building, nine thousand one hundred and seventy-one dollars and ninety-nine cents.

Post-office building;

For the completion of the post-office building in Philadelphia, twenty-five thousand dollars.

in Philadelphia.

For deficiency in the appropriation for salaries and expenses of the commissioners appointed under the fifth section, act of sixteenth February, eighteen hundred and sixty-three, three thousand five hundred dollars.

Damages from the Sioux. 1863, ch. 37, § 5. Vol. xii. p. 653.

For deficiency to pay salary of one Indian agent, each, in Utah and Nevada Territory, from third March, eighteen hundred and sixty-three, to the first July, eighteen hundred and sixty-four, at five hundred dollars per annum, as increase pay, one thousand three hundred and thirty-three dollars and thirty-three cents.

Indian agents in Utah and Nevada.

To supply deficiency in the appropriation for the public printing, one hundred and eleven thousand dollars: *Provided*, That hereafter no printing or binding shall be done, or blank books be procured for any of the executive departments of the government without a written requisition on the superintendent of public printing from the head of such department, or for either house of congress, except on the written order of the secretary of the Senate or clerk of the House of Representatives, for which said printing, binding, or blank books may be required. And the said superintendent, in his annual report, shall hereafter be required to report the amount of work ordered and done, with a general classification thereof, for each department.

Public printing, paper, &c.
Printing, binding, &c. to be done only on written order, &c.

Post, p. 118.

Report of Superintendent.

To supply a deficiency in the appropriation for paper for the public printing, three hundred and seventy-four thousand dollars.

To supply a deficiency in the appropriation for the public binding, one hundred thousand dollars.

Binding.

For lithographing and engraving for the House of Representatives, ten thousand dollars.

Lithographing, &c.

For mapping, in cases pending in the supreme court of the United States, nine thousand dollars.

Light-house establishment.

To supply deficiency in the appropriation for the support of the light-house establishment, fourteen thousand one hundred and fifty-six dollars and sixty-five cents.

For rebuilding light-house at Cape Charles, Virginia, twenty thousand dollars.

Stationery.

To supply a deficiency in the appropriation for stationery in the treasury department, twenty thousand dollars.

Ordnance, &c. in navy department.

To supply a deficiency in the appropriation for ordnance, ordnance stores, labor, and contingent expenses in the bureau of ordnance of the navy department, two million seven hundred and forty thousand dollars: *Provided, however,* That no money shall be paid under this item of appropriation except for deficiencies actually existing upon contracts made by the navy department.

Proviso.

Naval hospitals and asylum.

For erecting naval hospital at Kittery, Maine, twenty-five thousand dollars.

Post, p. 341.

Post, pp. 466, 467.

For extending naval asylum at Philadelphia, seventy-five thousand dollars.

For erecting naval hospital at Washington City, District of Columbia, twenty-five thousand dollars.

Capitol police.

To supply a deficiency in the appropriation for capitol police for the Senate, four thousand and three dollars and seventy-five cents.

To supply a deficiency in the appropriation for stationery for the Senate, six thousand dollars.

Miscellaneous, for Senate.

To supply a deficiency in the appropriation for miscellaneous items for the Senate, twenty thousand dollars: *Provided,* That hereafter no payment shall be made from the contingent fund of either house of congress, unless sanctioned by the committee to audit and control the contingent expenses of the Senate, or the committee on accounts of the House of Representatives, respectively; and no transfer of balances of appropriations shall be made from one fund to another, except by law.

Payments from contingent fund, how alone made.

Officers, &c. of House of Representatives.

To supply a deficiency in the appropriation for compensation of the officers, clerks, messengers, and others receiving an annual salary in the employ of the House of Representatives, seven thousand three hundred and sixty-five dollars and nineteen cents.

To enable the librarian of congress to employ an additional laborer from February first to the end of the current fiscal year, two hundred and eight dollars.

For contingent expenses of the House of Representatives, viz: For clerks to committees, and temporary clerks in the office of the House of Representatives, one thousand eight hundred and sixty-six dollars.

For folding documents, forty thousand dollars.

For fuel and lights, including pay of engineers, firemen, and laborers, repairs and materials, six thousand five hundred dollars.

For furniture, repairs, and packing-boxes for members, eight thousand five hundred dollars.

For laborers, eight hundred and thirty-two dollars and seventy-eight cents.

For stationery, nine thousand dollars.

Transfer of balance for engraving, &c.

SEC. 2. *And be it further enacted,* That the remainder or unexpended balance of twenty-one thousand two hundred and seven dollars and fifty-six cents, for engraving, electrotyping, and lithographing, be, and the same is hereby, transferred to the miscellaneous item of the contingent fund of the House of Representatives.

Additional assistant secretary of the treasury.

SEC. 3. *And be it further enacted,* That the President shall appoint, in the treasury department, by and with the advice and consent of the Senate, an additional assistant secretary of the treasury, whose salary shall be three thousand dollars per annum, who shall perform all such duties

in the office of the Secretary of the Treasury, belonging to that department, as shall be prescribed by the Secretary of the Treasury, or as may be required by law; and the sum of two thousand dollars, or so much thereof as may be found necessary, be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the payment of said salary for the current fiscal year.

Salary and duties.

SEC. 4. *And be it further enacted*, That there be appropriated, to supply deficiencies for repair of the coal- and landing-wharf at Key West, to erect a crane thereon, and to cover the extension of the machine-shop at that point, ten thousand dollars.

Coal, &c., wharf at Key West.

SEC. 5. *And be it further enacted*, That there be appropriated, for payment of letter-carriers to July first, eighteen hundred and sixty-four, to be paid out of the revenues of the post-office department, one hundred and fifty thousand dollars.

Letter-carriers.

SEC. 6. *And be it further enacted*, That in addition to the clerical force now authorized by law, the following clerks and employees are hereby authorized in the several departments and offices hereinafter specified, to be employed and continue only during the rebellion, and for one year after its close, viz:—

Additional clerks.

In the office of the Secretary of the Treasury, one clerk of class four, one of class three, eight of class two, and fourteen of class one.

Office of Secretary of Treasury.

In the construction branch of the treasury, one superintending architect, one assistant architect, two clerks of class four, four of class three, two of class one, and one messenger at an annual salary of six hundred dollars.

In the first comptroller's office, five clerks of class four, and one clerk of class four substituted for one of class one.

First comptroller.

In the second comptroller's office, five clerks of class four, six of class three, ten of class two, and fifteen of class one.

Second comptroller.

In the first auditor's office, two clerks of class four, and one of class two.

First auditor.

In the second auditor's office, fifteen clerks of class three, fifty of class two, and one hundred and forty of class one, and one clerk at nine hundred dollars per annum.

Second auditor.

In the third auditor's office, two clerks of class four, two of class three, five of class two, twenty-four of class one, and one messenger at a salary of seven hundred dollars per annum, and two laborers at an annual salary of six hundred dollars each.

Third auditor.

In the fourth auditor's office, five clerks of class four, nine of class three, nine of class two, thirty-five of class one, and one laborer at an annual salary of six hundred dollars.

Fourth auditor.

In the fifth auditor's office, one clerk of class four, to be substituted for one of class three.

Fifth auditor.

In the treasurer's office, four clerks of class four, two of class three, seventeen of class two, and six of class one.

Treasurer's office.

In the register's office, four clerks of class four, six of class three, six of class two, eight of class one, and one messenger at a salary of seven hundred dollars per annum.

Register.

In the office of the commissioner of customs, one clerk of class three, three of class two, and four of class one.

Commissioner of customs.

In the office of the Secretary of the Navy, two clerks of class four.

Secretary of Navy.

In the office of the adjutant-general, two clerks of class four, eight of class three, nineteen of class two, and seventy-four of class one.

Adjutant-general.

In the office of the quartermaster-general, fifteen clerks of class three, thirty-five of class two, one hundred and ten of class one, and six laborers at an annual salary of six hundred dollars each.

Quartermaster-general.

In the paymaster-general's office, nine clerks of class three, twenty-six of class two, seventy-five of class one, three messengers at an annual salary of eight hundred and forty dollars each, and four watchmen at an annual salary of six hundred dollars each.

Paymaster-general.

Commissary-general.

In the commissary-general's office, ten clerks of class two, and thirty of class one.

Chief of ordnance.

In the office of the chief of ordnance, two clerks of class four, seven of class three, eleven of class two, seventy-four of class one, and nine laborers at an annual salary of six hundred dollars each.

Chief engineer.

In the office of the chief engineer, one clerk of class four, and one of class two.

Appointment.

And the several clerks and employees authorized by this section shall be appointed by the heads of the departments to which they are severally attached, and the amount necessary to pay their salaries from the time of their appointment to the thirtieth of June, eighteen hundred and sixty-four, is hereby appropriated therefor; and the heads of the said several departments are hereby authorized to employ females instead of any of the clerks hereinbefore designated, at an annual compensation not exceeding six hundred dollars per year, whenever, in their opinion, the same can be done consistently with the interests of the public service:

Appropriation for salaries.

Females may be employed.

Provided, however, That the clerks hereby authorized in the Treasury Department and its bureaus shall not be in addition to the temporary clerks now employed therein, under former appropriations for that purpose, but shall include the same.

This to include former temporary clerks.

Limit of office of assistant register of treasury to one year repealed.

1863, ch. 44.
Vol. xii. p. 656.

SEC. 7. *And be it further enacted,* That so much of the act entitled "An act to provide for the appointment of an assistant register of the Treasury Department, and a solicitor for the War Department, and for other purposes," approved February twentieth, eighteen hundred and sixty-three, as limits the office of the assistant register of the Treasury to a term of one year, is hereby repealed.

APPROVED, March 14, 1864.

March 14, 1864.

CHAP. XXXI. — *An Act in Relation to University Lands in Washington Territory.*

University lands in Washington Territory. Preamble.

WHEREAS it is declared in the fourth section of the act of congress approved July seventeenth, eighteen hundred and fifty-four, amendatory of the act approved September twenty-seventh, eighteen hundred and fifty, creating the office of surveyor-general of the public lands in Oregon, etc., "that in lieu of the two townships of land granted to the Territory of Oregon, by the tenth section of the act of eighteen hundred and fifty, for universities, there shall be reserved to each of the Territories of Washington and Oregon, two townships of land of thirty-six sections each, to be selected in legal subdivisions, for university purposes, under the direction of the legislatures of said territories, respectively;" and whereas it is represented that sales have been made by territorial authorities of lands selected in virtue of the terms of said act of seventeenth July, eighteen hundred and fifty-four, authorizing selections to be "reserved," merely under the conviction that they had the power to dispose of the same as a fee-simple grant: Therefore,

1850, ch. 76.
Vol. ix. p. 496.

1854, ch. 84,
§ 4.
Vol. x. p. 305.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases of sales made to individuals by the territorial authorities prior to the passage of this act, in which it may be shown to the satisfaction of the Secretary of the Interior, that such sales were bona fide and of the class hereinbefore mentioned, and that the tracts so sold are selections in all other respects regular and proper, it shall and may be lawful for the said Secretary to approve such selection as a grant in fee-simple, and a transcript, certified under the seal of the general land-office by the commissioner thereof, of such approval, shall vest the title in the territory and in its bona fide vendees.

Bona fide sales approved.

APPROVED, March 14, 1864.

CHAP. XXXIII. — *An Act to amend an Act entitled "An Act to regulate Trade and Intercourse with the Indian Tribes, and to preserve Peace on the Frontiers," approved June thirtieth, eighteen hundred and thirty-four.*

March 15, 1864.
1834, ch. 161,
§ 20.
Vol. iv. p. 732.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the twentieth section of the "Act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers," approved June thirtieth, eighteen hundred and thirty-four, be, and the same is hereby, amended so as to read as follows, to wit: "SEC. 20. And be it further enacted, That if any person shall sell, exchange, give, barter, or dispose of any spirituous liquors or wine to any Indian under the charge of any Indian superintendent or Indian agent appointed by the United States, or shall introduce or attempt to introduce any spirituous liquor or wine into the Indian country, such person, on conviction thereof, before the proper district or circuit court of the United States, shall be imprisoned for a period not exceeding two years, and shall be fined not more than three hundred dollars: *Provided,* however, That it shall be a sufficient defence to any charge of introducing or attempting to introduce liquor into the Indian country if it be proved to be done by order of the War Department, or any officer duly authorized thereunto by the War Department. And if any superintendent of Indian affairs, Indian agent, or sub-agent, or commanding officer of a military post, has reason to suspect or is informed that any white person or Indian is about to introduce or has introduced any spirituous liquor or wine into the Indian country in violation of the provisions of this section, it shall be lawful for such superintendent, agent, sub-agent, or commanding officer, to cause the boats, stores, packages, wagons, sleds, and places of deposit of such person to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person shall be seized and delivered to the proper officer, and shall be proceeded against, by libel in the proper court, and forfeited, one half to the informer and the other half to the use of the United States; and if such person be a trader, his license shall be revoked and his bond put in suit. And it shall moreover be the duty for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. And in all cases arising under this act Indians shall be competent witnesses."

Penalty for selling or giving, &c., spirituous liquors to certain Indians.
Proviso.

Indian agents, &c., may search boats, packages, &c.

Liquors, boats, &c., to be forfeited.

Ardent spirits to be destroyed.

Indians competent witnesses.

APPROVED, March 15, 1864.

CHAP. XXXIV. — *An Act making Appropriations for the Service of the Post-Office Department during the Fiscal Year ending the thirtieth of June, eighteen hundred and sixty-five.*

March 16, 1864.

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 service of the Post-Office Department for the year ending June thirtieth, eighteen hundred and sixty-five, out of any moneys in the treasury arising from the revenues of the said department, in conformity to the act of the second of July, eighteen hundred and thirty-six: —

For transportation of the mails, (inland,) seven million eight hundred and forty-nine thousand dollars.

For foreign mail transportation, two hundred and fifty thousand dollars.

For ship, steamboat, and way letters, eight thousand dollars.

For compensation to postmasters, three million one hundred thousand dollars.

For clerks for post offices, one million one hundred and sixty-eight thousand dollars.

For payments to letter-carriers, six hundred and forty thousand dollars.

Appropriations for Post-Office Department.

Transportation of mails.

Ship, &c., letters.

Postmasters.

Clerks.

Letter-carriers.

Wrapping-paper, twine, &c.	For wrapping-paper, eighty-eight thousand dollars. For twine, sixteen thousand dollars. For office stamps, five thousand dollars. For letter balances, two thousand five hundred dollars.
Blank agents, &c.	For compensation to blank agents and assistants, six thousand five hundred dollars. For office furniture, two thousand dollars. For advertising, thirty-five thousand dollars.
Postage stamps and stamped envelopes, mail-bags and locks, &c.	For postage stamps and stamped envelopes, ninety thousand dollars. For mail depreddations and special agents, sixty thousand dollars. For mail-bags, sixty thousand dollars. For mail locks and keys, ten thousand dollars.
Foreign balances.	For payment of balances due to foreign countries, two hundred thousand dollars.
Miscellaneous.	For miscellaneous payments, two hundred thousand dollars.
Deficiency appropriation, if necessary.	SEC. 2. <i>And be it further enacted</i> , That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations of this act, then the sum of one million five 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, to supply deficiencies in the revenue of the Post-Office Department for the year ending the thirtieth of June, eighteen hundred and sixty-five.

APPROVED, March 16, 1864.

March 16, 1864. 1863, ch. 71, § 42. Vol. xii. p. 708. Franking privilege of President and Vice-President.	CHAP. XXXV. — <i>An Act in Addition to an Act to amend the Laws relating to the Post-Office Department, approved March three, eighteen hundred and sixty-three.</i> <i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled</i> , That the franking privilege of the President and the Vice-President of the United States shall extend to and cover all mail matter sent from, or directed to, either of them. APPROVED, March 16, 1864.
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March 21, 1864. Territory of Nevada made a state, &c. Boundaries.	CHAP. XXXVI. — <i>An Act to enable the People of Nevada to form a Constitution and State Government, and for the Admission of such State into the Union on an equal Footing with the original States.</i> <i>Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled</i> , That the inhabitants of that portion of the territory of Nevada included in the boundaries hereinafter designated be, and they are hereby, authorized to form for themselves, out of said territory, a state government, with the name aforesaid, which said state, when formed, shall be admitted into the Union upon an equal footing with the original states, in all respects whatsoever. SEC. 2. <i>And be it further enacted</i> , That the said state of Nevada shall consist of all the territory included within the following boundaries, to wit: Commencing at a point formed by the intersection of the thirty-eighth degree of longitude west from Washington with the thirty-seventh degree of north latitude; thence due west along said thirty-seventh degree of north latitude to the eastern boundary line of the state of California; thence in a northwesterly direction along the said eastern boundary line of the state of California to the forty-third degree of longitude west from Washington; thence north along said forty-third degree of west longitude and said eastern boundary line of the state of California to the forty-second degree of north latitude; thence due east along the said forty-second degree of north latitude to a point formed by its intersection with the aforesaid thirty-eighth degree of longitude west from Washington; thence due south down said thirty-eighth degree of west longitude to the place of beginning.
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SEC. 3. *And be it further enacted,* That all persons qualified by law to vote for representatives to the general assembly of said territory, at the date of the passage of this act shall be qualified to be elected, and they are authorized to vote for and choose representatives to form a convention, under such rules and regulations as the governor of said territory may prescribe; and also to vote upon the acceptance or rejection of such constitution as may be formed by said convention, under such rules and regulations as the said convention may prescribe; and if any of said citizens are enlisted in the army of the United States, and are still within said territory, they shall be permitted to vote at their place of rendezvous; and [if] any are absent from said territory, by reason of their enlistment in the army of the United States, they shall be permitted to vote at their place of service, under the rules and regulations in each case to be prescribed as aforesaid; and the aforesaid representatives to form the aforesaid convention shall be apportioned among the several counties in said territory in proportion to the population as near as may be; and said apportionment shall be made for said territory by the governor, United States district-attorney, and chief justice thereof, or any two of them; and the governor of said territory shall, by proclamation on or before the first Monday of May next, order an election of the representatives as aforesaid to be held on the first Monday in June thereafter throughout the territory, and such election shall be conducted in the same manner as is prescribed by the laws of said territory regulating elections therein for members of the house of representatives, and the number of members to said convention shall be the same as now constitute both branches of the legislature of the aforesaid territory.

Who may vote at first election.

Enlisted soldiers.

Apportionment of representatives.

Time of first election, &c.

SEC. 4. *And be it further enacted,* That the members of the convention, thus elected, shall meet at the capital of said territory on the first Monday in July next, and, after organization, shall declare, on behalf of the people of said territory, that they adopt the constitution of the United States. Whereupon the said convention shall be, and it is hereby, authorized to form a constitution and state government for said territory: *Provided,* That the constitution, when formed, shall be republican, and not repugnant to the constitution of the United States, and the principles of the Declaration of Independence: *And provided further,* That said convention shall provide, by an ordinance irrevocable, without the consent of the United States and the people of said state: —

Meeting of convention to form state constitution.

Proviso.

First. That there shall be neither slavery nor involuntary servitude in the said state, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted.

No slavery or involuntary servitude.

Second. That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested in person or property on account of his or her mode of religious worship.

Religious toleration.

Third. That the people inhabiting said territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that the lands belonging to citizens of the United States residing without the said state shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the United States.

Unappropriated public lands.

Taxes.

SEC. 5. *And be it further enacted,* That in case a constitution and state government shall be formed for the people of said territory of Nevada, in compliance with the provisions of this act, that said convention forming the same shall provide by ordinance for submitting said constitution to the people of said state for their ratification or rejection at an election to be held on the second Tuesday of October, one thousand eight hundred and sixty-four, at such places and under such regulations as may be prescribed therein, at which election the lawful voters of said new state shall

Constitution to be submitted to popular vote.

1864, ch. 94. Post, p. 85.

Voting and returns.

vote directly for or against the proposed constitution, and the returns of said election shall be made to the acting governor of the territory, who, with the United States district-attorney and chief justice of said territory, or any two of them, shall canvass the same, and if a majority of legal votes shall be cast for said constitution in said proposed state, the said acting governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it shall be the duty of the President of the United States to issue his proclamation declaring the state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of congress.

Representative in congress.

SEC. 6. *And be it further enacted,* That until the next general census shall be taken said state of Nevada shall be entitled to one representative in the house of representatives of the United States, which representative, together with the governor and state and other officers provided for in said constitution, may be elected on the same day a vote is taken for or against the proposed constitution and state government.

School lands.

SEC. 7. *And be it further enacted,* That sections numbers sixteen and thirty-six, in every township, and where such sections have been sold or otherwise disposed of by any act of congress, other lands equivalent thereto in legal subdivisions of not less than one quarter-section, and as contiguous as may be, shall be, and are hereby, granted to said state for the support of common schools.

Land for public buildings;

SEC. 8. *And be it further enacted,* That provided the state of Nevada shall be admitted into the Union, in accordance with the foregoing provisions of this act, that twenty entire sections of the unappropriated public lands within said state, to be selected and located by direction of the legislature thereof, on or before the first day of January, anno Domini eighteen hundred and sixty-eight, shall be, and they are hereby, granted, in legal subdivisions of not less than one hundred and sixty acres, to said state, for the purpose of erecting public buildings at the capital of said state, for legislative and judicial purposes, in such manner as the legislature shall prescribe.

for penitentiary building.

SEC. 9. *And be it further enacted,* That twenty other entire sections of land, as aforesaid, to be selected and located as aforesaid, in legal subdivisions, as aforesaid, shall be, and they are hereby, granted to said state for the purpose of erecting a suitable building for a penitentiary or state prison in the manner aforesaid.

Five per cent. of sales of public lands for roads, &c.

SEC. 10. *And be it further enacted,* That five per centum of the proceeds of the sales of all public lands lying within said state, which shall be sold by the United States subsequent to the admission of said state into the Union, after deducting all the expenses incident to the same, shall be paid to the said state for the purpose of making and improving public roads, constructing ditches or canals, to effect a general system of irrigation of the agricultural land in the state, as the legislature shall direct.

Laws of the United States made applicable.

SEC. 11. *And be it further enacted,* That from and after the admission of the said state of Nevada into the Union, in pursuance of this act, the laws of the United States, not locally inapplicable, shall have the same force and effect within the said state as elsewhere within the United States, and said state shall constitute one judicial district, and be called the district of Nevada.

Judicial district.

APPROVED, March 21, 1864.

March 21, 1864.

CHAP. XXXVII. — *An Act to enable the People of Colorado to form a Constitution and State Government, and for the Admission of such State into the Union on an equal Footing with the original States.*

Territory of Colorado made a state, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of that portion of the territory of Colorado included in the boundaries hereinafter

designated be, and they are hereby, authorized to form for themselves, out of said territory, a state government, with the name aforesaid; which said state, when formed, shall be admitted into the Union upon an equal footing with the original states, in all respects whatsoever.

SEC. 2. *And be it further enacted,* That the said state of Colorado shall consist of all the territory included within the following boundaries, to wit: Commencing at a point formed by the intersection of the thirty-seventh degree of north latitude with the twenty-fifth degree of longitude west from Washington; extending thence due west along said thirty-seventh degree of north latitude to a point formed by its intersection with the thirty-second degree of longitude west from Washington; thence due north along said thirty-second degree of west longitude to a point formed by its intersection with the forty-first degree of north latitude; thence due east along said forty-first degree of north latitude to a point formed by its intersection with the twenty-fifth degree of longitude west from Washington; thence due south along said twenty-fifth degree of west longitude.

Boundaries.

SEC. 3. *And be it further enacted,* That all persons qualified by law to vote for representatives to the general assembly of said territory, at the date of the passage of this act, shall be qualified to be elected; and they are hereby authorized to vote for and choose representatives to form a convention, under such rules and regulations as the governor of said territory may prescribe; and also to vote upon the acceptance or rejection of such constitution as may be formed by said convention, under such rules and regulations as said convention may prescribe; and if any of said citizens are enlisted in the army of the United States, and are still within said territory, they shall be permitted to vote at their place of rendezvous; and if any are absent from said territory, by reason of their enlistment in the army of the United States, they shall be permitted to vote at their place of service, under the rules and regulations in each case to be prescribed, as aforesaid. And the aforesaid representatives to form the aforesaid convention shall be apportioned among the several counties in said territory in proportion to the population, as near as may be; and said apportionment shall be made for said territory by the governor, United States district-attorney, and chief justice thereof, or any two of them. And the governor of said territory shall, by proclamation on or before the first Monday of May next, order an election of the representatives aforesaid, to be held on the first Monday in June thereafter throughout the territory; and such election shall be conducted in the same manner as is prescribed by the laws of said territory regulating elections therein for members of the house of representatives; and the number of members to said convention shall be the same as now constitute both branches of the legislature of the aforesaid territory.

Who may vote at first elections.

Enlisted soldiers.

Apportionment of representatives.

Time of first election, &c.

SEC. 4. *And be it further enacted,* That the members of the convention, thus elected, shall meet at the capital of said territory on the first Monday in July next, and, after organization, shall declare, on behalf of the people of said territory, that they adopt the constitution of the United States; whereupon the said convention shall be, and it is hereby, authorized to form a constitution and state government for said territory: *Provided,* That the constitution, when formed, shall be republican, and not repugnant to the constitution of the United States and the principles of the Declaration of Independence: *And provided, further,* That said convention shall provide, by an ordinance, irrevocable without the consent of the United States and the people of said state:—

Meeting of convention to form state constitution.

Proviso.

First. That there shall be neither slavery nor involuntary servitude in the said state, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted.

No slavery or involuntary servitude.

Second. That perfect toleration of religious sentiment shall be secured,

Religious toleration.

and no inhabitant of said state shall ever be molested in person or property on account of his or her mode of religious worship.

Unappropriated public lands.

Third. That the people inhabiting said territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the land belonging to residents thereof, and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the United States.

Taxes.

Constitution to be submitted to popular vote.

SEC. 5. *And be it further enacted*, That in case a constitution and state government shall be formed for the people of said territory of Colorado, in compliance with the provisions of this act, *that* said convention forming the same shall provide by ordinance for submitting said constitution to the people of said state for their ratification or rejection, at an election to be held on the second Tuesday of October, one thousand eight hundred and sixty-four, at such places and under such regulations as may be prescribed therein, at which election the lawful voters of said new state shall vote directly for or against the proposed constitution; and the returns of said elections shall be made to the acting governor of the territory, who, with the United States district-attorney and chief justice of the said territory, or any two of them, shall canvass the same, and if a majority of legal votes shall be cast for said constitution in said proposed state, the said acting governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances to that effect; whereupon it shall be the duty of the President of the United States to issue his proclamation declaring the state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of congress.

1864, ch. 135.
Post, p. 137.

Voting and returns.

Representative in congress.

SEC. 6. *And be it further enacted*, That until the next general census shall be taken said state of Colorado shall be entitled to one representative in the house of representatives of the United States, which representative, together with the governor and state and other officers provided for in said constitution, may be elected on the same day a vote is taken for or against the proposed constitution and state government.

School lands.

SEC. 7. *And be it further enacted*, That sections numbered sixteen and thirty-six, in every township, and where such sections have been sold, or otherwise disposed of by any act of Congress, other lands equivalent thereto in legal subdivisions of not less than one quarter-section, and as contiguous as may be, shall be, and are hereby, granted to said state for the support of common schools.

Lands for public buildings;

SEC. 8. *And be it further enacted*, That provided the state of Colorado shall be admitted into the Union, in accordance with the foregoing provisions of this act, *that* twenty entire sections of the unappropriated public lands within said state, to be selected and located by direction of the legislature thereof on or before the first day of January, anno Domini eighteen hundred and sixty-eight, shall be, and they are hereby, granted in legal subdivisions of not less than one hundred and sixty acres to said state, for the purpose of erecting public buildings at the capital of said state for legislative and judicial purposes, in such manner as the legislature shall prescribe.

for penitentiary building.

SEC. 9. *And be it further enacted*, That twenty other entire sections of land, as aforesaid, to be selected and located as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted to said state for the purpose of erecting a suitable building for a penitentiary or state prison in the manner aforesaid.

Five per cent. of sales of public

SEC. 10. *And be it further enacted*, That five per centum of the proceeds of the sales of all public lands lying within said state, which shall

be sold by the United States subsequent to the admission of said state into the Union, after deducting all the expenses incident to the same, shall be paid to the said state, for the purpose of making and improving public roads, constructing ditches or canals, to effect a general system of irrigation of the agricultural land in the state, as the legislature shall direct.

SEC. 11. *And be it further enacted*, That from and after the admission of the said state of Colorado into the Union, in pursuance of this act, the laws of the United States not locally inapplicable shall have the same force and effect within the said state as elsewhere within the United States, and said state shall constitute one judicial district, and be called the district of Colorado.

Laws of the United States made applicable.

Judicial district.

APPROVED, March 21, 1864.

CHAP. XXXVIII. — *An Act amendatory of the Homestead Law, and for other Purposes.*

March 21, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of any person desirous of availing himself of the benefits of the homestead act of twentieth of May, eighteen hundred and sixty-two, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land-office which the said act of twentieth May, eighteen hundred and sixty-two, requires, and whose family or some member thereof, is residing on the land which he desires to enter, and upon which a bona fide improvement and settlement have been made, it shall and may be lawful for such person to make the affidavit required by said act before the officer commanding in the branch of the service in which the party may be engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the said application and affidavit are accompanied by the fee and commissions, as required by law.

Persons in military or naval service claiming benefits of homestead act, may make affidavit before whom.

1862, ch. 75. Vol. xii. p. 392.

SEC. 2. *And be it further enacted*, That besides the ten-dollar fee exacted by the said act, the homestead applicant shall hereafter pay to the register and receiver each, as commissions, at the time of entry, one per centum upon the cash price as fixed by law, of the land applied for, and like commissions when the claim is finally established and the certificate therefor issued as the basis of a patent.

Commissions to receivers and registers.

SEC. 3. *And be it further enacted*, That in any case hereafter in which the applicant for the benefit of the homestead, and whose family or some member thereof, is residing on the land which he desires to enter, and upon which a bona fide improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land-office, it shall and may be lawful for him to make the affidavit required by the original statute before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the register and receiver.

Certain persons may make affidavit before clerk of court.

SEC. 4. *And be it further enacted*, That in lieu of the fee allowed by the twelfth section of the preëmption act of fourth September, eighteen hundred and forty-one, the register and receiver shall each be entitled to one dollar for their services in acting upon preëmption claims, and shall be allowed, jointly, at the rate of fifteen cents per hundred words for the testimony which may be reduced by them to writing for claimants, in establishing preëmption or homestead rights, the regulations for giving proper effect to the provisions of this act to be prescribed by the commissioner of the general land-office.

Fees of registers and receivers in preëmption claims.

1841, ch. 16, § 12. Vol. v. p. 456.

SEC. 5. *And be it further enacted*, That where a preëmptor has

Time for filing certain affidavits extended to certain preëmptors.

1841, ch. 16,
§ 13.
Vol. v. p. 456.

Additional fees and allowances to certain registers and receivers.

Proviso.

taken the initiatory steps required by existing laws in regard to actual settlement, and is called away from such settlement by being actually engaged in the military or naval service of the United States, and by reason of such absence is unable to appear at the district land-office, to make, before the register or receiver, the affidavits required by the thirteenth section of the preëmption act of fourth September, eighteen hundred and forty-one, the time for filing such affidavit and making final proof and entry or location, shall be extended six months after the expiration of his term of service, upon satisfactory proof by affidavit, or the testimony of witnesses, that the said preëmptor is so in the service, being filed with the register of the land-office for the district in which his settlement is made.

SEC. 6. *And be it further enacted*, That the registers and receivers in the state of California, in the state of Oregon, and in the territories of Washington, Nevada, Colorado, Idaho, New Mexico, and Arizona, shall be entitled to collect and receive, in addition to the fees and allowances provided by this act, fifty per centum of said fees and allowances as compensation for their services: *Provided*, That the salary and fees allowed any register or receiver shall not exceed in the aggregate the sum of three thousand dollars per annum.

APPROVED, March 21, 1864.

March 25, 1864.

CHAP. XL.—*An Act to provide for carrying the Mails from the United States to foreign Ports and for other Purposes.*

Vessels belonging to citizens of the United States to carry the mails.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all steamers and sailing vessels belonging to citizens of the United States, and bound from any port in the United States to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board and securely convey all such mails as the post-office department of the United States, or any minister, consul, or commercial agent of the United States abroad shall offer, and promptly deliver the same to the proper authorities, on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed by law.

Master to make return under oath.

SEC. 2. *And be it further enacted*, That upon the entry of every steamer or sailing vessel from any foreign port, the master or commander thereof shall make return, on oath or affirmation, showing that he has promptly delivered at such foreign port or ports all mails placed on board of the steamer or vessel under his command before clearance from the United States. And in case the master or commander shall fail to make oath or affirmation as aforesaid, showing that he has delivered the mails placed on board his steamer or vessel in good faith, the said steamer or vessel shall not be entitled to the privileges of a steamer or vessel of the United States.

Penalty for failure.

SEC. 3. *And be it further enacted*, That the Postmaster-General be, and is hereby, authorized to make contracts, to continue not exceeding four years, for the transportation of allailable matter other than letters, and of such letters as may be so directed, by the Isthmus of Panama or the Nicaragua route, or both of them: *Provided*, That the expenditure for the service shall not exceed one hundred and sixty thousand dollars per annum. And in case more than one company is engaged in rendering this service, the Postmaster-General shall determine the proportion which shall be paid to each.

Contracts for carrying mail matter by Panama or Nicaragua.

Cost not to exceed, &c.

If more than one company renders the service.

Postage on mail matter between Kansas and California.

Proviso.

Post, pp. 421, 422.

SEC. 4. *And be it further enacted*, That allailable matter which may be conveyed by mail westward beyond the western boundary of Kansas, and eastward from the eastern boundary of California shall be subject to prepaid letter postage rates: *Provided, however*, That this section shall not be held to extend to the transmission by mail of newspapers from a

known office of publication to bona fide subscribers, not exceeding one copy to each subscriber, nor to franked matter, to and from the intermediate points between the boundaries above named, at the usual rates: *Provided, further,* That such franked matter shall be subject to such regulations as to its transmission and delivery as the Postmaster-General shall prescribe.

Proviso.

SEC. 5. *And be it further enacted,* That the Postmaster-General may, if he shall deem it for the public interests, enter into contracts for any period not exceeding one year, for the transportation of the mails in steamships, by sea, between any of the ports in the United States; and that the sea-service already performed by his order on the Atlantic coast and Gulf of Mexico be paid for out of any moneys appropriated for the service of the post-office department. Also for such service already performed upon the Pacific coast a sum not exceeding fifteen hundred dollars, to be paid for out of any moneys appropriated for the service of the post-office department.

Contracts for carrying the mails in steamships by sea between ports of the United States, &c.

Appropriation for Pacific coast.

SEC. 6. *And be it further enacted,* That if any person or persons shall paint, print, post, or in any other manner place upon, or attach to, any steamboat or other vessel, or any stage-coach or other vehicle, which steamboat or other vessel, or stage-coach or other vehicle, is not actually used in carrying the mails of the United States, the words "United States mail," or any other words, letters or characters of like import; or if any person or persons shall give notice, either by publishing in any newspaper or otherwise, that any steamboat or other vessel, or any stage-coach or other vehicle, is used in carrying the mails of the United States, when the same is not actually so used, every person so offending or willfully aiding or abetting therein, shall, on conviction thereof in any court of competent jurisdiction, be fined in any sum not less than one hundred nor more than five hundred dollars for every such offence; one half for the use of the United States and the other half to the use of the person informing and prosecuting for the same.

Penalty for placing words "United States mail," &c. on a coach or vessel not used to carry the mail;

for advertising such coach or vessel.

SEC. 7. *And be it further enacted,* That the Postmaster-General be, and he is hereby, authorized and empowered to suspend the operation of so much of the eighth section of the act of the thirty-first of August, eighteen hundred and fifty-two, as authorizes the conveyance of letters otherwise than in the mails on any such mail routes as in his opinion the public interest may require.

Part of act of 1852, ch. 113, § 8, may be suspended.

Vol. x. p. 141.

APPROVED, March 25, 1864.

CHAP. XLI. — *An Act to authorize the President to negotiate a Treaty with the Klamath, Modoc, and other Indian tribes in Southeastern Oregon.*

March 25, 1864.

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 hereby is, authorized to conclude a treaty with the Klamath, Modoc, and Snake Indians in southeastern Oregon for the purchase of the country occupied by them.

Treaties with Indians in southeastern Oregon.

SEC. 2. *And be it further enacted,* That for the purpose of carrying out the provisions of this act the sum of twenty thousand dollars be, and the same is hereby, appropriated from any money in the treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior.

Appropriation.

APPROVED, March 25, 1864.

CHAP. XLII. — *An Act to carry into Effect the Convention with Ecuador for the mutual Adjustment of Claims.*

March 28, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of carrying into effect the convention with Ecuador for the mutual adjust-

Pay of commissioner under convention with Ecuador.

ment of claims, signed at Quito, on the twenty-fifth day of November, eighteen hundred and sixty-two, the commissioner to be appointed by the President of the United States, by and with the advice and consent of the Senate, shall be allowed a compensation, in full for his services, of three thousand dollars, and ten dollars a day in commutation of travelling expenses for the time actually and necessarily occupied in going from the place of his residence to Guayaquil and returning to his home after the termination of his duties.

Pay, if minister resident at Ecuador is appointed commissioner.

1856, ch. 127,
§ 9.
Vol. xi. p. 56.

Contingent expenses and those of umpire.

SEC. 2. *And be it further enacted*, That if the President shall elect to appoint the minister resident of the United States in Ecuador to perform the duties of commissioner under the convention aforesaid, said minister shall receive a compensation for his services of fifty per centum of the sum hereinbefore mentioned, pursuant to the provisions of the ninth section of the act of August eighteenth, eighteen hundred and fifty-six, "to regulate the diplomatic and consular systems of the United States."

SEC. 3. *And be it further enacted*, That the President be, and hereby is, authorized to make such provision for the contingent expenses of the commission under the said convention, including the moiety of the United States for the compensation of the umpire, and of the secretary who may be chosen by the commissioners, pursuant to the provisions of the convention, as he shall deem just and proper.

Appropriation.

SEC. 4. *And be it further enacted*, That such sums of money as may be necessary to carry out the provisions of this act be, and they are hereby, appropriated out of any money in the treasury not otherwise appropriated.

APPROVED, March 28, 1864.

April 1, 1864.

CHAP. XLV. — *An Act making Appropriations for the Support of the Military Academy for the Year ending June thirtieth, eighteen hundred and sixty-five.*

Military Academy 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 support of the military academy for the year ending the thirtieth of June, eighteen hundred and sixty-five:—

For pay of officers, instructors, cadets, and musicians, one hundred and seventeen thousand one hundred and seventy-six dollars.

For commutation of subsistence, four thousand one hundred and sixty-two dollars.

For pay in lieu of clothing to officers' servants, sixty dollars.

For current and ordinary expenses, as follows: repairs and improvements, fuel and apparatus, forage, postage, telegrams, stationery, transportation, printing, clerks, miscellaneous and incidental expenses, and departments of instruction, forty-one thousand two hundred and eighty dollars.

For gradual increase and expense of library, one thousand dollars.

For expenses of the board of visitors, four thousand dollars.

For forage for artillery and cavalry horses, eight thousand six hundred and forty dollars.

For supplying horses for artillery and cavalry exercise, one thousand dollars.

For repairs of officers' quarters, one thousand five hundred dollars.

For targets and batteries for artillery exercise, one hundred dollars.

For furniture for hospital for cadets, including fixed wash-tubs, hot and cold water bath apparatus and water-closets, one thousand dollars.

For annual repairs of gas-pipes and retorts, three hundred dollars.

For warming apparatus for barracks, fifteen thousand dollars.

For rebuilding public wharf and opening approach to the same from the south, six thousand dollars.

SEC. 2. *And be it further enacted*, That the thirty-fifth section of the act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March three, eighteen hundred and sixty-three, shall not be deemed hereafter to prohibit the payment to enlisted men employed at the military academy of the extra-duty pay heretofore allowed by law to enlisted men when employed at constant labor for not less than ten days continuously.

Construction of act of 1863, ch. 75, § 35. Vol. xii. p. 736.

SEC. 3. *And be it further enacted*, That from and after the first day of July, eighteen hundred and sixty-three, the annual pay of cadets at the military academy at West Point shall be the same as that allowed to midshipmen at the naval academy, and the amount necessary for that purpose is hereby appropriated.

Pay of cadets, and appropriation.

SEC. 4. *And be it further enacted*, That cadets found deficient at any examination shall not be continued at the military academy, or be re-appointed except upon the recommendation of the academic board.

Cadets found deficient at examination. [Repealed. Post, p. 467.]

SEC. 5. *And be it further enacted*, That no part of the money hereby appropriated shall be applied to the support or pay of any cadets hereafter appointed not in conformity with the express provisions of law regulating appointments of cadets at that academy.

Appropriation to apply only to cadets regularly appointed.

APPROVED, April 1, 1864.

CHAP. XLVI. — *An Act to increase the Pension of the Revolutionary Pensioners now on the Rolls of the Pension Office.*

April 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be paid, out of any money in the treasury not otherwise appropriated, the sum of one hundred dollars per annum to each of the surviving soldiers of the Revolution, now on the pension rolls, during their natural lives, in addition to the pensions to which they are now entitled under former acts of Congress; said payment to date from, and commence on, the first day of January, eighteen hundred and sixty-four, and to cease at their death.

Pension to surviving soldiers of the Revolution.

APPROVED, April 1, 1864.

CHAP. XLVII. — *An Act relating to Acting Assistant Paymasters in the Navy, and regulating the Appointment of Cadets in the Naval Academy.*

April 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President of the United States shall nominate any acting assistant paymaster in the volunteer naval service, on account of his faithful, diligent, and efficient discharge of duty in the volunteer service, to be an assistant paymaster in the navy, it shall be no objection to his appointment and confirmation that he is over twenty-six years of age: *Provided*, That he be not over thirty years of age: *And provided, further*, That the number of paymasters and assistant paymasters, as authorized by law, be not increased thereby.

Appointment of acting assistant paymasters in the navy.

Age. Number.

SEC. 2. *And be it further enacted*, That the students of the naval academy, when examined for admission thereto, shall be between the ages of fourteen and eighteen years.

Age of students at naval academy.

APPROVED, April 1, 1864.

CHAP. XLVIII. — *An Act to provide for the better Organization of Indian Affairs in California.*

April 8, 1864.

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 April, anno Domini eighteen hundred and sixty-four, the state of California shall, for Indian purposes, constitute one superintendency, for which there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a superintendent of Indian

1865, ch. 122. Post, p. 532. California to constitute one Indian superintendency.

Superintendent, salary, bond, oath of office.

affairs for said superintendency, at a salary of three thousand six hundred dollars per annum, who shall reside at a point within said state, to be selected by the Secretary of the Interior, and who, upon executing a bond, upon such terms and such sum as may be prescribed by the Secretary of the Interior, and taking the usual oath of office, shall have under his control and management, in like manner and subject to like rules and regulations as are prescribed for superintendents of other superintendencies, the Indians and Indian reservations that are or may hereafter be established in said state: *Provided*, That the superintendent shall be authorized to appoint a clerk, at a compensation not to exceed eighteen hundred dollars per annum.

Clerk, salary.

Indian reservations in California.

SEC. 2. *And be it further enacted*, That there shall be set apart by the President, and at his discretion, not exceeding four tracts of land, within the limits of said state, to be retained by the United States for the purposes of Indian reservations, which shall be of suitable extent for the accommodation of the Indians of said state, and shall be located as remote from white settlements as may be found practicable, having due regard to their adaptation to the purposes for which they are intended: *Provided*, That at least one of said tracts shall be located in what has heretofore been known as the northern district: *And provided, further*, That if it shall be found impracticable to establish the reservations herein contemplated without embracing improvements made within their limits by white persons lawfully there, the Secretary of the Interior is hereby authorized and empowered to contract for the purchase of such improvements, at a price not exceeding a fair valuation thereof, to be made under his direction. But no such contract shall be valid, nor any money paid thereon, until, upon a report of said contract and of said valuation to Congress, the same shall be approved and the money appropriated by law for that purpose: *And provided, further*, That said tracts to be set apart as aforesaid may, or may not, as in the discretion of the President may be deemed for the best interests of the Indians to be provided for, include any of the Indian reservations heretofore set apart in said state, and that in case any such reservation is so included, the same may be enlarged to such an extent as in the opinion of the President may be necessary, in order to its complete adaptation to the purposes for which it is intended.

Location.

Proviso.

Improvements in such locations to be purchased, after report to Congress.

Tracts may or may not include present reservations.

Reservations not retained to be surveyed and offered for sale.

SEC. 3. *And be it further enacted*, That the several Indian reservations in California which shall not be retained for the purposes of Indian reservations under the provisions of the preceding section of this act, shall, by the commissioner of the general land-office, under the direction of the Secretary of the Interior, be surveyed into lots or parcels of suitable size, and as far as practicable in conformity to the surveys of the public lands, which said lots shall, under his direction, be appraised by disinterested persons at their cash value, and shall thereupon, after due advertisement, as now provided by law in case of other public lands, be offered for sale at public outcry, and thence afterward shall be held subject to sale at private entry, according to such regulations as the Secretary of the Interior may prescribe: *Provided*, That no lot shall be disposed of at less than the appraised value, nor at less than one dollar and twenty-five cents per acre: *And provided, further*, That said sale shall be conducted by the register and receiver of the land-office in the district in which such reservation or reservations may be situated, in accordance with the instructions of the department regulating the sale of public lands.

Minimum price.

Sale, how conducted.

Agent for each reservation.

Residence, duties.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an Indian agent for each of the reservations which shall be established under the provisions of this act, which said agent shall reside upon the reservation for which he shall be appointed, and shall discharge all the duties now or hereafter to be required of Indian agents by law, or by rules and regulations adopted, or to be

adopted, for the regulation of the Indian service, so far as the same may be applicable. Each of the agents appointed as aforesaid shall, before entering upon the duties of his office, give bond in such penalties and with such conditions and such security as the President or Secretary of the Interior may require, and shall hold his office for the term of four years, unless sooner removed by the President, and shall receive an annual salary at the rate of eighteen hundred dollars.

Bond of agents.

Term of office, salary.

SEC. 5. *And be it further enacted*, That there may be appointed, in the manner prescribed by law, for each of said reservations, if in the opinion of the Secretary of the Interior the welfare of said Indians shall require it, one physician, one blacksmith, one assistant blacksmith, one farmer, and one carpenter, who shall each receive compensation at rates to be determined by the Secretary of the Interior, not exceeding fifty dollars per month.

Physician, blacksmith, farmer, carpenter, &c.
Pay.

SEC. 6. *And be it further enacted*, That hereafter, when it shall become necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the general land-office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

Reservations, how to be surveyed.

SEC. 7. *And be it further enacted*, That all Indian agents shall reside at their respective agencies, and shall in no case be permitted to visit the city of Washington except when ordered to do so by the commissioner of Indian affairs. And it is hereby made the duty of the said commissioner to report all cases of the violation of this section to the President, with the request that the agents disregarding the provisions herein contained be at once removed from office.

Indian agents to reside where; not to visit Washington except, &c.

SEC. 8. *And be it further enacted*, That all acts or parts of acts in conflict with the provisions of this act, be, and the same are hereby, repealed; and all offices and employments connected with Indian affairs in California not provided for in this act be, and the same are hereby, abolished.

Repealing clause.
Offices, &c., abolished.

APPROVED, April 8, 1864.

CHAP. XLIX. — *An Act to incorporate the Union Gaslight Company of the District of Columbia.*

April 8, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sayles J. Bowen, William Elmer, William Bates, Robert W. Milbank, Andrew M. Kinney, William H. Baldwin, Z. D. Gilman, D. C. Forney, S. P. Brown, John Green, and Gamaliel Gay, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of "The Union Gas-light Company of the District of Columbia," with authority to manufacture and sell gas, to be made of coal, zinc, oil, tar, pitch, peat, turpentine, or other material, and to be used in lighting the city of Washington and the streets thereof, and any buildings, manufactories, or houses therein situated, and to lay mains and pipes for the purpose of conducting gas in any of the avenues, streets, lanes, or alleys of the said city: *Provided, however*, That the said company shall so conduct the manufacture, and lay said mains and pipes, as not to create a nuisance or injure either private or public property: *And provided, further*, That the said mains and pipes shall be laid subject to such conditions and in compliance with such regulations as may be prescribed by the municipal authorities of the city of Washington; and the right to erect and establish any buildings, apparatus, or machinery for the manufacture of gas, shall be subject to such regulations and restrictions as may be from time to time prescribed by the said municipal authorities of Washington.

Union Gas-light Company incorporated.

Name; authority.

Not to create a nuisance.

To be under direction of city authorities.

Capital stock. Number of shares.

SEC. 2. *And be it further enacted*, That the capital stock of the said company shall not be less than five hundred thousand, nor more than one million dollars, and that the said stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property and

- How transferable. be transferable in such manner as the by-laws of said company may direct.
- Subscription books to be opened. SEC. 3. *And be it further enacted*, That within six days after this act is approved by the President of the United States, the corporators named in the first section, or a majority of them, or, if any refuse or neglect to act, then a majority of the others, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient place in the city of Washington, from nine o'clock in the forenoon till three o'clock in the afternoon, for a period of not less than three days, and as much longer as the said corporators shall prescribe, and the said corporators shall give public notice of the time and place of opening said books of subscription, by advertisement thereof in the daily papers published in the city of Washington, and subscribers to the capital stock of said company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of subscribing twenty-five per centum of the amount subscribed by him to the treasurer, who shall be appointed by the said corporators to receive the same, or his subscription shall be null and void.
- Payment at time of subscription. SEC. 4. *And be it further enacted*, That when the minimum amount of the capital stock of said company, as prescribed in the second section, shall have been subscribed, and twenty-five per centum thereof paid as aforesaid, the said corporators, or a majority of them, and in case any refuse to act, then a majority of the others, shall, within fifteen days thereafter, call the first meeting of the stockholders of said company, to be held at some convenient place in the city of Washington, for the election of directors, of the time and place whereof notice shall be given for at least five days in at least two daily newspapers published in the city of Washington, or by written notice thereof, signed by one or more of said corporators, and personally served on each stockholder; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given either in person or by proxy.
- First meeting. SEC. 5. *And be it further enacted*, That the government and direction of the affairs of the company shall be vested in the board of directors, composed of seven members, who shall be stockholders, and who shall hold their office for the term of one year, and until others are duly elected and qualified to take their places as directors; and the said directors shall elect one of their number to be president of the board, who shall also be president of the company, and a majority of the board shall constitute a quorum to do business; and they shall choose a treasurer, who shall give bond with sufficient surety to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors by death, resignation, removal, refusal to act, or otherwise, the vacancy occasioned thereby shall be filled by the other directors.
- Notice. SEC. 6. *And be it further enacted*, That there shall be an annual meeting of the stockholders, for the election of directors, to be held at such time and place, and under such rules and regulations as the said company in their by-laws shall prescribe, and the directors shall make an annual report in writing of their proceedings to the stockholders.
- Voting. SEC. 7. *And be it further enacted*, That the directors shall have full power to make all such by-laws as they shall deem necessary for the regulation, management, and disposition of the stock, effects, and property of the said company, and for the proper execution of the business of the company, so as the same shall not be contrary to this charter, to the laws of the United States, or to the ordinances of the city of Washington.
- President and directors. SEC. 8. *And be it further enacted*, That nothing in this act shall be so construed as to authorize the said company to issue any note, token, device, scrip, or other evidence of debt to be used as a currency.
- Quorum. SEC. 9. *And be it further enacted*, That if any person or persons shall
- Treasurer.
- Vacancies.
- Annual meeting.
- By-laws.
- Notes, &c., not to be issued as currency.

willfully destroy, or in anywise injure the mains, pipes, apparatus, or other works, property, or appurtenances belonging to and used by said company in manufacturing gas or in furnishing the same to consumers thereof, the person or persons so offending shall, for every such offence, forfeit and pay to the said company the sum of five dollars, and shall, in addition to said penalty, remain liable to said company for any loss or damage occasioned by the offence.

Willful destruction or injury to pipes, &c., how punished.

SEC. 10. *And be it further enacted*, That the said company is hereby incorporated upon the express conditions that it shall furnish gas to all the consumers thereof containing fifty per centum more illuminating power than that which is now furnished by the "Washington Gas-light Company," and at a cost not exceeding two dollars and fifty cents per thousand cubic feet; and a failure to comply with these conditions shall operate as a forfeiture of this charter.

Quality and price of gas.

Forfeiture.

SEC. 11. *And be it further enacted*, That the said company shall not be authorized to sell gas until it shall have produced to the mayor of the city of Washington and to the Secretary of the Interior satisfactory evidence that it has laid down, in a proper and workmanlike manner, in the avenues and streets of the said city, gas mains of an average diameter of at least six inches and a total length of not less than twenty-five miles; nor shall the said company connect its gas mains with the pipes supplying the capitol and other public buildings belonging to the United States, or sell gas, until it shall have produced to the Secretary of the Interior satisfactory evidence that it has erected and in operation good and substantial works and holders capable of manufacturing and storing a quantity of gas, of the quality aforesaid, sufficient to supply the consumption at all times required in the capitol and public buildings aforesaid. And unless the said company shall have complied with the requirements and conditions in this section prescribed within two years from the passage of this act, the said act shall be null and void: *Provided, however*, That said company shall have the privilege, at any time within the said two years, of lighting with the gas manufactured by it some one street a distance not exceeding one mile.

Company not to sell gas until, &c.

Pipes to be laid and works completed in two years.
Proviso.

SEC. 12. *And be it further enacted*, That each of the stockholders in the "Union Gas-light Company" of the District of Columbia shall be held liable in his or her individual capacity for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit as other debts or liabilities, before the court or tribunal having jurisdiction of the case.

Stockholders individually liable.

SEC. 13. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the Congress of the United States.

Act may be altered or repealed.

APPROVED, April 8, 1864.

CHAP. L. — *An Act to incorporate Providence Hospital of the City of Washington, District of Columbia.*

April 8, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lucy Gwynn, Teresa Angela Costello, Sarah McDonald, Mary E. Spalding, and Mary Carroll, and their successors in office, are hereby made, declared, and constituted a corporation and body politic, in law and in fact, under the name and style of the directors of Providence Hospital, and by that name they shall be and are hereby made capable in law to sue and be sued, to plead and be impleaded, in any court within the county of Washington, in the District of Columbia; to have and use a common seal, and to alter or amend the same at pleasure; to have, purchase, receive, possess, and enjoy, any estate in lands, tenements, annuities, goods, chattels, moneys, or effects, and to grant, devise, or dispose of the same in such manner as they may deem most for the interest of the hospital: *Provided*, That the

Providence hospital incorporated.

Name.

Powers.

Real estate not to exceed, &c.

real estate held by said corporation shall not exceed in value the sum of one hundred and fifty thousand dollars.

Officers of corporation.

SEC. 2. *And be it further enacted*, That the said corporation and body politic shall have full power to appoint from their own body a president and such other officers as they may deem necessary for the purposes of their creation; and in case of the death, resignation, or refusal to serve, of any of their number, the remaining members shall elect and appoint other persons in lieu of those whose places may have been vacated; and the said corporation shall have full power and all the rights of opening and keeping a hospital in the city of Washington for the care of such sick and invalid persons as may place themselves under the treatment and care of the said corporation.

Vacancies.

Powers.

By-laws.

Proviso.

Act may be altered, &c.

SEC. 3. *And be it further enacted*, That the said corporation shall also have and enjoy full power and authority to make such by-laws, rules, and regulations, as may be necessary for the general accomplishment of the objects of said hospital: *Provided*, That they be not inconsistent with the laws in force in the District of Columbia: *And provided, further*, That this act shall be liable to be amended, altered, or repealed, at the pleasure of Congress.

APPROVED, April 8, 1864.

April 8, 1864.

CHAP. LL. — *An Act concerning Notaries Public for the District of Columbia.*

Notaries public in the District of Columbia; appointment, term of office, number.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notaries public for the district of Columbia may be appointed by the supreme court of said district, whose term of office shall be five years, and who may be removed by said court for cause. There shall be no new appointment of a notary public until the number in this district is reduced to twenty-five; and when the number is so reduced, as vacancies thereafter occur, they may be filled by said court.

Oath, bond.

SEC. 2. *And be it further enacted*, That each notary public hereafter appointed, before entering upon the duties of his office, shall take an oath faithfully to discharge the same, and shall give bond to the United States in the sum of two thousand dollars, with security to be approved by the said supreme court, or a judge thereof, for the faithful discharge of the duties of his office. And the said court shall, with reasonable dispatch, by a general order to be published in one or more newspapers printed in the said district, require all persons now holding the commission of notary public in said district to give new bond, as hereinbefore provided for, within a short time to be prescribed therein; and all such persons failing to comply therewith shall be stricken from the list of notaries.

Present notaries to give bond, or lose office.

Authority of notaries public.

Foreign bills.

SEC. 3. *And be it further enacted*, That notaries public shall have authority to demand acceptance and payment of foreign bills of exchange, and to protest the same for non-acceptance and non-payment; and to exercise such other powers and duties as, by the law of nations, and according to commercial usages, or for use and effect beyond the jurisdiction of the said district, as, according to the law of any state or territory of the United States, or any foreign government in amity with the United States, may be performed by notaries public.

Inland bills, &c.

SEC. 4. *And be it further enacted*, That notaries public may also demand acceptance of inland bills of exchange, and payment thereof, and of promissory notes, and may protest the same for non-acceptance or non-payment, as the case may require.

Acknowledgments, oaths, &c.

SEC. 5. *And be it further enacted*, That each notary public shall have power to take and to certify the acknowledgment or proof of powers of attorney, mortgages, deeds, and other instruments of writing, the acknowledgment of any conveyance, or other instrument of writing executed by any married woman, to take depositions, and to administer

oaths and affirmations in all matters incident or belonging to the duties of his office, and to take affidavits to be used before any court, judge, or officer within this district.

SEC. 6. *And be it further enacted*, That each notary public shall keep a fair record of all his official acts, except such as are mentioned in the fifth section of this act; and when required shall give a certified copy of any record in his office to any person, upon payment of the fees therefor. Record. Certified copies.

SEC. 7. *And be it further enacted*, That each notary public, before he acts as such, shall provide a notarial seal, with which he shall authenticate all his official acts, which seal, together with his records and official documents, shall not be liable to be seized on by any execution. He shall deposit an impression of his official seal in the office of the clerk of the supreme court of said district. Notarial seal.
To be exempt from execution.

SEC. 8. *And be it further enacted*, That on the death, resignation, or removal from office of any notary public, his records, together with all his official papers, shall be deposited in the office of the clerk of the supreme court of said district. Records in case of death, resignation, &c.

SEC. 9. *And be it further enacted*, That the original protest of a notary public, under his hand and official seal, of any bill of exchange or promissory note for non-acceptance or non-payment, stating the presentment by him of such bill of exchange or note for acceptance or payment, and the non-acceptance or non-payment thereof, and the service of notice on any or all of the parties to such bill of exchange or promissory note, and specifying the mode of giving such notice, and the reputed place of residence of the party to whom the same was given, and the post-office nearest thereto, shall be *prima facie* evidence of the facts contained therein. The certificate of a notary public, under his hand and seal of office, drawn from his record, stating the protest and the facts therein recorded, shall be evidence of the facts in like manner as the original protest. Original protest to be *prima facie* evidence of facts stated therein.
Certificate to be like evidence.

SEC. 10. *And be it further enacted*, That the fees of notaries public shall be as follows: For each certificate and seal, fifty cents; taking depositions or other writings, for each one hundred words, ten cents; administering an oath, fifteen cents; taking acknowledgment of a deed or power of attorney, with certificate thereof, fifty cents; every protest of a bill of exchange or promissory note, and recording the same, one dollar and seventy-five cents; each notice of protest, ten cents; each demand for acceptance or payment, if accepted or paid, one dollar, to be paid by the party accepting or paying the same; each noting of protest, one dollar. And any notary public who shall take a higher fee than is prescribed by this act shall pay a fine of one hundred dollars and be removed from office by the said supreme court. Fees of notaries public.
Penalty for taking higher fees.

SEC. 11. *And be it further enacted*, That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed. Repealing clause.

APPROVED, April 8, 1864.

CHAP. LII. — *An Act to authorize the Columbia Institution for the Deaf and Dumb and the Blind to confer Degrees.* April, 8, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the board of directors of the Columbia Institution for the instruction of the deaf and dumb and the blind be, and they are hereby, authorized and empowered to grant and confirm such degrees in the liberal arts and sciences to such pupils of the institution, or others, who, by their proficiency in learning or other meritorious distinction they shall think entitled to them, as are usually granted and conferred in colleges; and to grant to such graduates diplomas or certificates, sealed and signed in such manner as said board of directors may determine, to authenticate and perpetuate the memory of such graduation. Columbia Institution for the deaf and dumb and the blind may confer degrees.

APPROVED, April 8, 1864.

April 9, 1864.

1862, ch. 200.

§ 9.

Vol. xii. p. 595.

Chaplains in the volunteer service; rank, pay, &c.

CHAP. LIII.—*An Act to amend Section nine of the Act approved July seventeenth, eighteen hundred and sixty-two, entitled An Act to define the Pay and Emoluments of certain Officers of the Army, and for other Purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the rank of chaplain without command, in the regular and volunteer service of the United States, is hereby recognized. Chaplains shall be borne on the field and staff rolls next after the surgeons, and shall wear such uniform as is or may be prescribed by the army regulations, and shall be subject to the same rules and regulations as other officers of the army. They shall be entitled to draw forage for two horses, and, when assigned to hospitals, posts, and forts, they shall be entitled to quarters and fuel within the hospitals, posts, or forts, while they are so assigned, without the privilege of commutation, subject to the same conditions and limitations as are now by law provided in the case of surgeons. When absent from duty with leave, or on account of sickness or other disability, or when held by the enemy as prisoners, they shall be subject to no other diminution or loss of pay and allowances than other officers in the military service are under like circumstances. And chaplains who have been absent from duty, by reason of wounds or sickness, or when held as prisoners in the hands of the enemy, shall be entitled to receive full pay without rations during such absence. In all other respects, the pay of chaplains shall be the same as now provided by law.

Pensions to chaplains.

1862, ch. 166.

Vol. xii. p. 595.

SEC. 2. *And be it further enacted,* That the act approved July fourteenth, eighteen hundred and sixty-two, entitled, "An act to grant pensions," is hereby so amended as to include chaplains in the regular and volunteer forces of the army: *Provided,* That the pension to which a chaplain shall be entitled for a total disability shall be twenty dollars per month, and all the provisions of the act to which this section is an amendment shall apply to and embrace the widows, children, mothers, and sisters of chaplains of the land forces who have died since the fourth day of March, eighteen hundred and sixty-one, or shall die of wounds or disease contracted in the service of the United States, and while such chaplains are or shall be in the line of their duty.

Chaplains to make monthly reports.

SEC. 3. *And be it further enacted,* That it shall be the duty of chaplains in the military service of the United States to make monthly reports to the adjutant-general of the army, through the usual military channels, of the moral condition and general history of the regiments, hospitals, or posts to which they may be attached; and it shall be the duty of all commanders of regiments, hospitals, and posts to render such facilities as will aid in the discharge of the duties assigned to them by the government.

Religious services by chaplains.

SEC. 4. *And be it further enacted,* That all chaplains in the military service of the United States shall hold appropriate religious services at the burial of soldiers who may die in the command to which they are assigned to duty, and it shall be their duty to hold public religious services at least once each Sabbath when practicable.

APPROVED, April 9, 1864.

April 9, 1864.

CHAP. LIV.—*An Act to appoint an Appraiser and Assistant Appraiser for the Port of Portland, and for other Purposes.*

Appraiser and assistant appraiser at Portland, Maine.

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, with the advice and consent of the Senate, shall appoint an appraiser and assistant appraiser for the port of Portland, Maine, whose duties shall be the same as those of similar officers in other ports; and the ninth section of the act of Congress passed May seventh, one thousand eight hundred and twenty-two, entitled "An act further to establish the compensation of officers of the customs and to alter certain

1822, ch. 107,

§ 9.

Vol. iii. p. 695.

collection districts, and for other purposes," is hereby amended by adding Portland aforesaid to the ports therein enumerated, and the deputy collectors, not exceeding three in number, and the appraiser of said port shall each receive the compensation of two thousand dollars per annum, and the assistant appraiser shall receive a compensation of fifteen hundred dollars per annum.

Pay of deputy collectors, appraiser, and assistant appraisers.

APPROVED, April 9, 1864.

CHAP. LVIII. — *An Act extending the Time within which the States and Territories may accept the Grant of Lands made by the Act entitled "An Act donating public Lands to the several States and Territories which may provide Colleges for the Benefit of Agriculture and the Mechanic Arts," approved July second, eighteen hundred and sixty-two.*

April 14, 1864.

1862, ch. 130.
Vol. xii. p. 503.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any state or territory may accept and shall be entitled to the benefits of the act entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two, by expressing its acceptance thereof as provided in said act, within two years from the date of the approval of this act, subject, however, to the conditions in said act contained.

States, &c., may accept provisions of act giving public lands for benefit of certain colleges, within two years.

SEC. 2. *And be it further enacted,* That the benefit of the provisions of this act, and of the said act approved July second, eighteen hundred and sixty-two, be, and the same are hereby, extended to the state of West Virginia.

West Virginia to have the benefit of this act.

APPROVED, April 14, 1864.

CHAP. LIX. — *An Act to enable the People of Nebraska to form a Constitution and State Government, and for the Admission of such State into the Union on an equal Footing with the original States.*

April 19, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of that portion of the territory of Nebraska included in the boundaries hereinafter designated be, and they are hereby, authorized to form for themselves a constitution and state government, with the name aforesaid, which state, when so formed, shall be admitted into the Union as hereinafter provided.

Nebraska territory made a state.

SEC. 2. *And be it further enacted,* That the said state of Nebraska shall consist of all the territory included within the following boundaries, to wit: Commencing at a point formed by the intersection of the western boundary of the state of Missouri with the fortieth degree of north latitude; extending thence due west along said fortieth degree of north latitude to a point formed by its intersection with the twenty-fifth degree of longitude west from Washington; thence north along said twenty-fifth degree of longitude to a point formed by its intersection with the forty-first degree of north latitude; thence west along said forty-first degree of north latitude to a point formed by its intersection with the twenty-seventh degree of longitude west from Washington; thence north along said twenty-seventh degree of west longitude to a point formed by its intersection with the forty-third degree of north latitude; thence east along said forty-third degree of north latitude to the Reya Paha river; thence down the middle of the channel of said river, with its meanderings, to its junction with the Niobrara river; thence down the middle of the channel of said Niobrara river, and following the meanderings thereof, to its junction with the Missouri river; thence down the middle of the channel of said Missouri river, and following the meanderings thereof, to the place of beginning.

Boundaries.

SEC. 3. *And be it further enacted,* That all persons qualified by law to vote for representatives to the general assembly of said territory shall

Who may vote and who be elected to office.

Convention to form constitution.

be qualified to be elected; and they are hereby authorized to vote for and choose representatives to form a convention, under such rules and regulations as the governor of said territory may prescribe, and also to vote upon the acceptance or rejection of such constitution as may be formed by said convention, under such rules and regulations as said convention may prescribe; and if any of said citizens are enlisted in the army of the United States, and are still within said territory, they shall be permitted to vote at their place of rendezvous; and if any are absent from said territory, by reason of their enlistment in the army of the United States, they shall be permitted to vote at their place of service, under the rules and regulations in each case to be prescribed as aforesaid; and the aforesaid representatives to form the aforesaid convention shall be apportioned among the several counties in said territory in proportion to the population as near as may be, and said apportionment shall be made for said territory by the governor, United States district attorney, and chief justice thereof, or any two of them. And the governor of said territory shall, by proclamation, on or before the first Monday of May next, order an election of the representatives aforesaid to be held on the first Monday in June thereafter throughout the territory; and such election shall be conducted in the same manner as is prescribed by the laws of said territory regulating elections therein for members of the house of representatives; and the number of members to said convention shall be the same as now constitute both branches of the legislature of the aforesaid territory.

Enlisted citizens.

Apportionment of representatives to form convention.

Election of representatives, how conducted.

Number.

Meeting of convention.

May form constitution. Proviso.

SEC. 4. *And be it further enacted*, That the members of the convention thus elected shall meet at the capital of said territory on the first Monday in July next, and after organization shall declare, on behalf of the people of said territory, that they adopt the constitution of the United States; whereupon the said convention shall be, and it is hereby, authorized to form a constitution and state government: *Provided*, That the constitution when formed shall be republican, and not repugnant to the constitution of the United States and the principles of the Declaration of Independence: *And provided, further*, That said constitution shall provide, by an article forever irrevocable, without the consent of the Congress of the United States:

Slavery prohibited.

First. That slavery or involuntary servitude shall be forever prohibited in said state.

Religious toleration.

Second. That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested in person or property on account of his or her mode of religious worship.

Unappropriated public lands.

Third. That the people inhabiting said territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said state shall never be taxed higher than the land belonging to residents thereof; and that no taxes shall be imposed by said state on lands or property therein belonging to or which may hereafter be purchased by the United States.

Taxes.

Constitution to be submitted to popular vote.

SEC. 5. *And be it further enacted*, That in case a constitution and state government shall be formed for the people of said territory of Nebraska, in compliance with the provisions of this act, that said convention forming the same shall provide by ordinance for submitting said constitution to the people of said state for their ratification or rejection at an election to be held on the second Tuesday of October, one thousand eight hundred and sixty-four, at such places and under such regulations as may be prescribed therein, at which election the qualified voters, as hereinbefore provided, shall vote directly for or against the proposed constitution, and the returns of said elections shall be made to the acting governor of the territory, who, together with the United States district attorney and chief

Proceedings.

justice of the said territory, or any two of them, shall canvass the same, and if a majority of legal votes shall be cast for said constitution in said proposed state, the said acting governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it shall be the duty of the President of the United States to issue his proclamation declaring the state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of congress.

Proclamation by the President declaring the state admitted.

SEC. 6. *And be it further enacted,* That until the next general census shall be taken said state of Nebraska shall be entitled to one representative in the house of representatives of the United States, which representative, together with the governor and state and other officers provided for in said constitution, may be elected on the same day a vote is taken for or against the proposed constitution and state government.

One representative in Congress.
Election of, and of state officers.

SEC. 7. *And be it further enacted,* That sections numbered sixteen and thirty-six in every township, and when such sections have been sold or otherwise disposed of by any act of congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter section, and as contiguous as may be, shall be, and are hereby, granted to said state for the support of common schools.

School lands.

SEC. 8. *And be it further enacted,* That provided the state of Nebraska shall be admitted into the union in accordance with the foregoing provisions of this act, that twenty entire sections of the unappropriated public lands within said state, to be selected and located by direction of the legislature thereof, on or before the first day of January, anno Domini eighteen hundred and sixty-eight, shall be and they are hereby granted, in legal subdivisions of not less than one hundred and sixty acres, to said state for the purpose of erecting public buildings at the capital of said state for legislative and judicial purposes, in such manner as the legislature shall prescribe.

Lands for public buildings;

SEC. 9. *And be it further enacted,* That fifty other entire sections of land, as aforesaid, to be selected and located as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted to said state for the purpose of erecting a suitable building for a penitentiary or state prison in the manner aforesaid.

for buildings for penitentiary;

SEC. 10. *And be it further enacted,* That seventy-two other sections of land shall be set apart and reserved for the use and support of a state university, to be selected in manner as aforesaid, and to be appropriated and applied as the legislature of said state may prescribe for the purpose named, and for no other purpose.

for State University.

SEC. 11. *And be it further enacted,* That all salt springs within said state, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said state for its use, the said land to be selected by the governor thereof, within one year after the admission of the state, and when so selected to be used or disposed of on such terms, conditions, and regulations as the legislature shall direct: *Provided,* That no salt spring or lands, the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall, by this act, be granted to said state.

Salt springs.

Proviso.

SEC. 12. *And be it further enacted,* That five per centum of the proceeds of the sales of all public lands lying within said state, which have been or shall be sold by the United States prior or subsequent to the admission of said state into the Union, after deducting all expenses incident to the same, shall be paid to the said state for the support of common schools.

Five per cent. of sales of certain public lands to go for support of common schools.

SEC. 13. *And be it further enacted,* That from and after the admission of the said state of Nebraska into the Union in pursuance of this act, the laws of the United States, not locally inapplicable, shall have the same

Laws of United States made applicable.

force and effect within the said state as elsewhere within the United States ; and said state shall constitute one judicial district, and be called the district of Nebraska.

Expenses of convention.

SEC. 14. *And be it further enacted*, That any unexpended balance of the appropriations for said territorial legislative expenses of Nebraska remaining for the fiscal years eighteen hundred and sixty-three and eighteen hundred and sixty-four, or so much thereof as may be necessary, shall be applied to and used for defraying the expenses of said convention and for the payment of the members thereof, under the same rules, regulations, and rates as are now provided by law for the payment of the territorial legislature.

APPROVED, April 19, 1864.

CHAP. LX. — *An Act in Addition to "An Act for the Establishment of certain Arsenals.*

April 19, 1864.

Preamble.

1862, ch. 148.
Vol. xii. p. 537.

WHEREAS it is necessary that the government of the United States should at an early day, for the purpose of the arsenal at Rock Island, in the State of Illinois, provided for in the act passed July eleventh, eighteen hundred and sixty-two, obtain the possession of and title to certain lands, now the property of private persons, upon which to locate the said arsenal, with the grounds and buildings needful for and to make a part of the same : Now, therefore,

Rock Island to be taken possession of by the Secretary of War and held.

Arsenal, &c., to be built thereon.

Compensation for private property taken.

Mode of procedure where damages are agreed upon.

Proviso.

Deed to be given.

Proceedings where owners do not agree as to damages, &c.

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 empowered to take and hold full, complete, and permanent possession in behalf of the United States, of all the lands and shores of the island of Rock Island, in the state of Illinois, the same, when so possessed, to be held and kept as a military reservation by the War Department, upon which shall be built and maintained an arsenal for the construction, deposit, and repair of arms and munitions of war, and such other military establishments as have been or may be authorized by law to be placed thereon in connection with such arsenal.

SEC. 2. *And be it further enacted*, That if it shall appear upon examination by the Attorney-General of the United States of the titles of the lands on Rock Island taken and occupied by the Secretary of War for an arsenal and other military purposes, as provided in the foregoing section, that any part or parcels thereof are now the property of, and are rightfully possessed by, any individual or corporation as his or their own private property, the value of such private property so taken, and a just compensation for any damages caused by such taking, shall, if mutually agreed on by the Secretary of War and the rightful owner or owners thereof and approved by the President, be paid by the Secretary of the Treasury to said rightful owner or owners so agreeing, out of the appropriations made or to be made for the construction of said arsenal: *Provided*, That before such payment shall be made, the said owner or owners of such private lands so taken, or such of them as shall agree, shall by good and sufficient deed or deeds, in due form of law, and approved by the Attorney-General of the United States, fully release and convey to the United States all their and each of their several and respective rights in and titles to such lands so taken.

SEC. 3. *And be it further enacted*, That if the Secretary of War shall not agree with any private owner or owners of lands so taken for the use of the United States for military purposes, or if any such owner or owners shall refuse to accept the sum to be paid to him or them by the Secretary of the Treasury as and for the true value thereof, or shall from any other cause neglect or fail, for the space of twelve months after such taking to execute and deliver the deed or deeds thereof, needful in the opinion of the Attorney-General of the United States, to convey to the United States the title of said lands taken,

there shall forthwith be selected three competent persons, who shall be named and appointed by the President, and shall by him be constituted a board of commissioners, whose duty it shall be to hear the parties interested, who may appear before them upon reasonable notice of time and place, and ascertain the true value of the land taken, and of the several parcels thereof that shall not have been conveyed to or paid for by the United States as hereinbefore provided, and the names and titles of the claimants thereof, if more than one, and their respective interests therein, and what compensation for the taking of their lands is due to each claimant; and the said board of commissioners shall report the same as early as practicable after their appointment to the circuit court of the United States within and for the district in which such lands are situated; and in case of a difference of opinion in the said board as to the matters referred to them, the report of a majority of the commissioners shall be held to be the report of the board. And the compensation and expenses of the said commissioners shall be fixed and approved by the Secretary of War, and paid by the Secretary of the Treasury upon his requisition.

Commissioners to be appointed, &c.

Report to the circuit court.

Pay of commissioners.

Court to order payment.

SEC. 4. *And be it further enacted*, That the said circuit court, upon the return and examination of the report of the said commissioners, shall, for the parcels of land taken, as to which there appear to be no conflicting claims for compensation, by decree, order the sums awarded by the commissioners in said report, to be paid to the person or persons who shall, according to said report, be entitled thereto, and who shall apply therefor, and who shall, by writing filed in the said court, waive his or their right to an appeal from the determination of the said board of commissioners, and agree to accept the said sum, in full satisfaction of his or their claims for such lands, taken by the United States: *Provided*, That if the party entitled and applying as aforesaid, or filing a complaint as hereinafter provided, shall have an estate for life only in said land, or any estate less than a fee simple, or shall be a married woman, or a minor, or *non compos mentis*, the court aforesaid shall, in its final judgment or decree, make such order for the payment of the said compensation to the party or for its payment into court; and as to the investment of the principal and disposal of the income, or interest thereof, as shall be just and equitable, and for the protection of the rights of those interested, in accordance with the rules and practice of courts of equity, in cases where a fund in court is to be divided and administered.

Proviso.

SEC. 5. *And be it further enacted*, That any person or persons aggrieved by the doings of the aforesaid board of commissioners, in the estimation of his or their damages, or in the refusal or omission thereof, may at any time within twelve months from and after the return of said report to the said circuit court, or within three years after the land claimed shall have been taken, make application by complaint in writing to the said court sitting as a court of equity, setting forth the title which he or they may have or claim in said lands taken, or in parcels thereof, and the grievance complained of; and the said court, after reasonable notice to the district attorney of the United States for that district, who shall appear and act for and in behalf of the United States, shall proceed and hear the parties, and their evidence according to the course of proceedings in equity, and shall determine what right or title, if any, the complainant or complainants had in and to the parcels of land taken, claimed by him or them, and shall ascertain, and by decree fix the sum or sums of money to which as damages or just compensation for such taking the complainants, severally or jointly, if they apply jointly, are entitled: *Provided*, That if a complainant in any case shall, in writing or by motion, so request, the value of the land taken or his interest therein shall be assessed or determined by a jury upon the law side of the court, upon issues properly framed, under the direction or allowance of the court sitting in equity.

Appeal from decision of commissioners.

Time of proceedings.

Proviso.

Trial by jury.

Complainants may be required to give security for costs.

SEC. 6. *And be it further enacted,* That, if the attorney of the United States shall so request, the court may, before ordering issues to be framed for a jury, as provided in the foregoing section, require the complainants applying therefor to undertake and to give security satisfactory to the court therefor, that they will pay the costs of court to be taxed by the court, if the verdict of such jury shall not be in favor of such complainants, and for a sum larger than that allowed by the board of commissioners in their report; and the decision of all questions as to the amount of costs to be paid by or to the complainants shall be within the determination of the court at their discretion, and according to the rules of equity practiced in the courts of the United States.

Appeal to the supreme court of the United States.

SEC. 7. *And be it further enacted,* That either party may appeal to the supreme court of the United States from any final judgment or decree which may be rendered by said circuit court in any case arising under the provisions of this statute, where the amount in controversy exceeds three thousand dollars: *Provided,* That such appeal shall be taken within ninety days after the rendition of such judgment or decree.

Proviso.

Final judgments or decrees in favor of claimant to be paid.

SEC. 8. *And be it further enacted,* That in all cases of final judgments or decrees by said circuit court, or on appeal by the said supreme court, where the same shall be affirmed in favor of the claimant, the sum due thereby shall be paid either to the claimant or into the circuit court aforesaid, as said judgment or decree may determine, by the United States, out of the money appropriated for the construction and maintenance of said arsenal, on presentation to the Secretary of the Treasury of a copy of said judgment or decree signed by the presiding judge, and certified by the clerk of the said circuit court. And such payment shall be a full discharge to the United States for the compensation and damages due for the taking of the lands, in respect of which the said judgment or decree was rendered or made, and shall forever bar any further claim or demand against the United States arising out of the taking of such land. And such payment, or the lawful tender thereof, shall operate as, and shall be deemed and held to be, a full and complete conveyance of the parcel or parcels of land for which it was made to the United States.

Effect of such payment.

Claims for damages to be adjusted, &c., within three years.

SEC. 9. *And be it further enacted,* That every claim against the United States for the taking of land for public use as herein authorized, shall be forever barred unless within three years from the time of such taking, the claim for compensation therefor shall be adjusted by agreement with the Secretary of War, or be settled by an award of the board of commissioners, or presented by complaint or petition to the circuit court of the United States in the district in which the land is situated: *Provided, however,* That the claims of persons, who at the time of the taking shall be under the age of twenty-one years, married women, idiots, lunatics, or insane, or beyond seas, shall not be barred if their petition or complaint be filed in said court as aforesaid, within three years after the disability has ceased, but no disability other than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively.

Saving in favor of minors, married women, &c.

APPROVED, April 19, 1864.

April 19, 1864.

CHAP. LXI. — *An Act fixing the Date of the Loss of the U. S. Brig "Bainbridge," and for the Relief of the Officers, Seamen, and Marines of the same, and for other Purposes.*

Date when the U. S. brig Bainbridge shall be deemed to have been lost.

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 brig "Bainbridge," as well as the time to which the pay of said officers, seamen, marines, and others in the service shall be allowed, the twenty-first day of August, in

the year one thousand eight hundred and sixty-three, shall be deemed and taken to be the day on which the said brig "Bainbridge" foundered at sea.

SEC. 2. *And be it further enacted,* That the widow or child or children, and in case there shall be no widow, or child or children, as aforesaid, then the parent or parents, and if there be no parents, the brothers and sisters of the officers, seamen, marines, and others in service, who were lost in said brig "Bainbridge," shall be entitled to and receive, out of any money in the treasury not otherwise appropriated, a sum equal to twelve months' pay of their respective deceased relations, aforesaid, in addition to the pay due to the said deceased at the date of the loss of said vessel.

Widow, child, or parents, &c., to receive a sum equal to twelve months' pay.

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 Charles C. Walden, late acting assistant paymaster, in the navy, who was lost in the brig "Bainbridge," with all his accounts and vouchers for expenditures and payment 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 Charles C. Walden, acting assistant paymaster, to be settled.

APPROVED, April 19, 1864.

CHAP. LXIII. — *An Act to amend an Act entitled "An Act to establish and equalize the Grade of Line Officers of the United States Navy," approved July sixteenth, eighteen hundred and sixty-two.*

April 21, 1864.
1862, ch. 183.
Vol. xii. p. 583.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no line officer of the navy, upon the active list, below the grade of commodore, nor any other naval officer, shall be promoted to a higher grade, until his mental, moral, and professional fitness to perform all his duties at sea shall be established to the satisfaction of a board of examining officers to be appointed by the President of the United States. And such board shall have power to take testimony, the witnesses when present to be sworn by the president of the board, and to examine all matter on the files and records of the department in relation to any officer whose case shall be considered by them.

No line officer upon active list, nor other naval officer, to be promoted, unless after examination, &c.

Board of examiners; appointment, power, &c.;

SEC. 2. *And be it further enacted,* That such examining board shall consist of not less than three officers, senior in rank to the officer to be examined.

of whom to consist.

SEC. 3. *And be it further enacted,* That any officer to be acted upon by said board shall have the right to be present, if he desires it; and his statement of his case, on oath, and the testimony of witnesses, and his examination, shall be recorded. And any matter on the files and records of the department touching each case, as may in the opinion of the board be necessary to assist them in making up their opinion, shall, together with the whole record and finding, be presented to the President for his approval or disapproval of the finding. And no officer shall be rejected until after such public examination of himself and the records of the department in his case, unless he fails to appear before said board after having been duly notified.

Officers interested may be present at examination.

Record of case to be presented to the President.

SEC. 4. *And be it further enacted,* That no officer in the naval service shall be promoted to a higher grade therein, upon the active list, until he has been examined by a board of naval surgeons, and pronounced physically qualified to perform all his duties at sea. And all officers whose cases shall have been acted upon by the aforesaid boards, and who shall not have been recommended for promotion by both of them, shall be placed upon the retired list.

No officer to be promoted unless shown by examination to be physically qualified.

SEC. 5. *And be it further enacted,* That all officers not recommended for promotion under the fourth section of an act entitled "An act to

Certain officers, not recommended for promotion,

may present themselves for examination, &c.

When may be promoted.

Any officer may be advanced for conduct in battle, &c.

Fleet paymasters and engineers.

Retired pay of surgeons, paymasters, &c.

Repealing clause.

establish and equalize the grades of line officers of the United States navy," approved July sixteen, eighteen hundred and sixty-two, shall have the right to present themselves for examination, according to the provisions of this act, and if found duly qualified, and such finding be approved by the President of the United States, they shall be promoted to the same grade and place as if they had been recommended by the board, and shall receive the corresponding pay according to the service which they have performed from the date of their rank to that of their promotion. And no further promotions shall be made upon the active list until the number in each grade is reduced to that provided by law.

SEC. 6. *And be it further enacted*, That any officer in the naval service, by and with the advice and consent of the senate, may be advanced, not exceeding thirty numbers, in his own grade, for distinguished conduct in battle, or extraordinary heroism.

SEC. 7. *And be it further enacted*, That the President of the United States shall appoint paymasters of the fleet and engineers of the fleet in the same manner and with the same rank and pay as fleet surgeons; and the retired pay of surgeons, paymasters, engineers, and other staff officers in the navy shall be the same as that of the retired officers of the line of the navy with whom they have relative rank.

SEC. 8. *And be it further enacted*, That all acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

APPROVED, April 21, 1864.

April 21, 1864.
1863, ch. 75, § 5.
Vol. xii. p. 732.

CHAP. LXIV. — *An Act to amend an Act for enrolling and calling out the National Forces so as to increase the Rank, Pay, and Emoluments of the Provost-Marshal General.*

Rank, &c., of provost-marshal general.

Repealing clause.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the rank, pay, and emoluments of the provost-marshal general, authorized by section five of said act, shall be those of a brigadier-general.

SEC. 2. *And be it further enacted*, That all acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED, April 21, 1864.

April 21, 1864.

CHAP. LXV. — *An Act to change the Name of the District and Port of Presque Isle to the District and Port of Erie.*

District of Presque Isle to be known as Erie.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the district of Presque Isle, in the state of Pennsylvania, shall hereafter be known as the district of Erie, and the port of Presque Isle shall hereafter be known as the port of Erie.

APPROVED, April 21, 1864.

April 22, 1864.
1857, ch. 56,
Vol. xi. p. 163.

CHAP. LXVI. — *An Act in Amendment of an Act entitled "An Act relating to Foreign Coins and the Coinage of Cents at the Mint of the United States," approved February twenty-one, eighteen hundred and fifty-seven.*

Standard weight, &c., of the cent.

Two-cent pieces to be coined.

Shape, devices, &c.

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 standard weight of the cent coined at the mint of the United States shall be forty-eight grains, or one tenth of one ounce troy; and said cent shall be composed of ninety-five per centum of copper, and five per centum of tin and zinc, in such proportions as shall be determined by the director of the mint; and there shall be from time to time struck and coined at the mint a two-cent piece, of the same composition, the standard weight of which shall be ninety-six grains, or one fifth of one ounce troy, with no greater deviation than four grains to each piece of said cent and two-cent coins; and the shape, mottoes, and devices of said

coins shall be fixed by the director of the mint, with the approval of the Secretary of the Treasury; and the laws now in force relating to the coinage of cents and providing for the purchase of material and prescribing the appropriate duties of the officers of the mint and the Secretary of the Treasury be, and the same are hereby, extended to the coinage herein provided for.

SEC. 2. *And be it further enacted*, That all laws now in force relating to the coins of the United States and the striking and coining the same shall, so far as applicable, be extended to the coinage herein authorized, whether said laws are penal or otherwise, for the security of the coin, regulating and guarding the process of striking and coining, for preventing debasement or counterfeiting, or for any other purpose. Present laws extended thereto.

SEC. 3. *And be it further enacted*, That the director of the mint shall prescribe suitable regulations to insure a due conformity to the required weights and proportions of alloy in the said coins; and shall order trials thereof to be made from time to time by the assayer of the mint, whereof a report shall be made in writing to the director. Director of mint to secure conformity of alloy in such coins.

SEC. 4. *And be it further enacted*, That the said coins shall be a legal tender in any payment, the one-cent coin to the amount of ten cents, and the two-cent coin to the amount of twenty cents; and it shall be lawful to pay out said coins in exchange for the lawful currency of the United States, (except cents or half cents issued under former acts of congress,) in suitable sums, by the treasurer of the mint, and by such other depositaries as the Secretary of the Treasury may designate, under general regulations proposed by the director of the mint and approved by the Secretary of the Treasury; and the expenses incident to such exchange, distribution, and transmission may be paid out of the profits of said coinage; and the net profits of said coinage, ascertained in like manner as is prescribed in the second section of the act to which this is a supplement, shall be transferred to the treasury of the United States. Such coins to be legal tender and for what sums.

SEC. 5. *And be it further enacted*, That if any person or persons shall make, issue, or pass, or cause to be made, issued, or passed, any coin, card, token, or device whatsoever, in metal or its compounds, intended to pass or be passed as money for a one-cent piece or a two-cent piece, such person or persons shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding one thousand dollars, and by imprisonment for a term not exceeding five years. Penalty for making coins intended to be passed as cents, &c.

APPROVED, April 22, 1864.

CHAP. LXVII. — *An Act for a Charter of Masonic Hall Association, in Washington City, District of Columbia.* April 26, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That B. B. French, of the Grand Encampment of the United States of America; Robert McMurdy, of the General Grand Royal Arch Chapter of the United States; George C. Whiting, of the Grand Consistory; E. L. Stevens, of Osiris Lodge of Perfection, No. 1; Z. D. Gilman, of Washington Commandery, No. 1; W. P. Partello, of Columbia Commandery; W. M. Smith, of Columbia Royal Arch Chapter, No. 15; W. G. Parkhurst, of Washington Royal Arch Chapter, No. 16; James Steelle, of Mount Vernon Royal Arch Chapter, No. 20; C. F. Stansbury, of the Grand Lodge of the District of Columbia; Joseph Nairn, of Federal Lodge, No. 1; N. Acker, of Lebanon Lodge, No. 7; E. Kloman, of New Jerusalem Lodge, No. 9; J. M. Turton, of Hiram Lodge, No. 10; T. J. Fisher, of Saint John's Lodge, No. 11; L. Gassenheimer, of National Lodge, No. 12; J. Van Riswick, of Washington Centennial Lodge, No. 14; J. C. McGuire, of B. B. French Lodge, No. 15; F. L. Harvey, of Dawson Lodge, No. 16; J. W. D. Gray, of Harmony Lodge, No. 17; J. M. Hanson, of Acacia Masonic Hall Association incorporated.

- Lodge, No. 18; N. D. Larner, of Lafayette Lodge, No. 19, of the order of free and accepted masons, of the District of Columbia, and their successors to be appointed in the manner hereinafter declared, representing the several masonic bodies before named, be, and they are hereby, incorporated and made a body politic and corporate, by the name of the Masonic Hall Association of the District of Columbia, and by that name may sue and be sued, plead and be impleaded, in any court of law or equity, of competent jurisdiction, and may have and use a common seal, and the same change at pleasure, and be entitled to use and exercise all the powers, rights, and privileges incident to such corporation.
- Powers of corporation.** SEC. 2. *And be it further enacted,* That the said corporation shall be capable of taking and holding real and personal estate, which estate, personal and real, shall never be divided among the members of the said corporation, but shall descend to their successors, duly elected and appointed in the manner hereinafter declared by the bodies they represent, for the promotion of the principles of the said corporation, and the benevolent purposes of the order of free and accepted masons, which they represent: *Provided,* That said corporation shall take and hold no more land than is necessary for a site on which to erect a masonic hall, suitable and convenient for the transaction of the business of the association and the promotion of the principles and purposes aforesaid. But this provision shall not prevent the said corporation from constructing suitable rooms and offices in connection with the said hall, to rent, and renting the same, and receiving rent therefor, to be applied to the promotion of the principles and purposes aforesaid.
- Limit to amount of land.** SEC. 3. *And be it further enacted,* That the capital stock of said corporation shall not exceed the sum of three hundred thousand dollars, and that the stock shall be divided into shares of twenty dollars each; and shall be deemed personal property, transferable in such manner as the constitution and by-laws of said corporation may direct.
- Rooms, &c., may be rented.** SEC. 4. *And be it further enacted,* That within twenty days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of the said corporation to be opened and kept open in such place and for a period to be fixed by said corporators, or a majority of them, public notice of which may be given by advertisement or otherwise as said corporators or a majority of them may determine; and subscribers upon said books to the capital stock of the corporation shall be held to be stockholders: *Provided,* That every subscriber shall pay, at the time of subscribing, such per centum of the amount by him subscribed to the treasurer elected or appointed by the corporators, or a majority of them, as may be required by said corporators or a majority of them, or his subscription shall be null and void. And when the books of subscription to the capital stock of said corporation shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said corporation, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for three days in two public newspapers published daily in Washington city, or by written personal notice served on each stockholder, by the secretary or clerk of the corporation. And in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.
- Capital stock; number of shares, &c.** SEC. 5. *And be it further enacted,* That the government and direction of the affairs of the corporators shall be invested in a board of directors, five in number, elected by the stockholders on the first Monday of December in each year from among the corporators named in the first section of this act, and their successors, elected or appointed in the manner herein
- Books of subscription to capital stock to be opened.**
- Who to be stockholders.**
- First meeting, how called.**
- Votes.**
- Directors.**

after declared by the masonic bodies they represent, who shall hold their office for one year and until others are duly elected and qualified to take their places as directors; and the said directors shall elect one of their number to be president of the board, who shall also be president of the corporation, and shall elect a secretary from among their own number, or from the corporators aforesaid, who shall also be secretary of the corporation, and they shall also choose a treasurer, who shall give bonds with surety to said corporation, in such sum as the said directors may require, for the faithful discharge of his trust. A majority of the directors shall form a quorum for the transaction of business, and in case of a vacancy in the board of directors by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors from among the corporators named in the first section of this act, or their successors duly elected or appointed in the manner hereinafter declared by the masonic bodies they represent.

President, secretary, and treasurer.

Quorum.

Vacancies.

SEC. 6. *And be it further enacted,* That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper for the disposition and management of the stock, property, estate, and effects of the corporation, not contrary to the charter or to the laws of the United States and the ordinances of Washington city, and shall have power to alter or amend the same as the interests of the corporation, in their opinion, may require. And the said directors shall have power to regulate the payment of interest upon the certificates of stock held by the stockholders, or to the dividends that may accrue, and shall have power to provide for the redemption of the stock held by individuals, upon fair and equitable terms.

By-laws.

Interest, dividends, &c.

SEC. 7. *And be it further enacted,* That each masonic body or organization, named in the first section of this act, shall be entitled, during the month of November, eighteen hundred and sixty-four, and annually thereafter, to meet and select, by ballot, one of its members as a successor to the person then, or last, representing it as member of this corporation, whose annual term expires next thereafter, or which may have expired next before that time, so that said corporation shall forever consist of one corporator from each of the said masonic bodies, named in the first section of this act: *Provided, however,* That should any of the said several masonic bodies, named in the first section of this act, surrender or forfeit its masonic charter or warrant, or from any cause cease to be recognized by the order of free and accepted masons, it shall not thereafter be entitled to any representation in said corporation, nor shall the continued corporate existence and rights of this association be in anywise affected thereby, so long as there remain five corporators qualified to act as such.

Corporation to consist of one corporator from certain masonic bodies.

Proviso.

SEC. 8. *And be it further enacted,* That any masonic lodge, chapter, council, commandery, or consistory now in existence or that may hereafter be instituted in the District of Columbia, may, by and with the consent of two thirds of the corporators named in the first section, or their successors, be admitted to a representation in said corporation upon an equal footing with the several masonic bodies named in the first section of this act.

New masonic bodies, how admitted.

SEC. 9. *And be it further enacted,* That this act may be altered, amended, or repealed, at the pleasure of the congress of the United States of America.

Act may be amended, repealed, &c.

APPROVED, April 26, 1864.

CHAP. LXVIII. — *An Act to authorize the Issuing of a Register to the Steam Vessel* April 26, 1864.
"John Martin."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treas-

Register to issue to steamer John Martin. ury be, and he is hereby, authorized to issue a register to the steam vessel "John Martin."

APPROVED, April 26, 1864.

April 29, 1864. CHAP. LXIX. — *An Act fixing certain Rules and Regulations for preventing Collisions on the Water.*

Rules, &c., for preventing collisions on the water.

Lights on vessels-of-war need not be exhibited, when, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after September one, eighteen hundred and sixty-four, the following rules and regulations for preventing collisions on the water be adopted in the navy and the mercantile marine of the United States: Provided, That the exhibition of any light on board of a vessel-of-war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander-in-chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it.

Regulations.

REGULATIONS FOR PREVENTING COLLISIONS ON THE WATER.

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PRELIMINARY.

What to be considered sailing-ships and what ships under steam.

ARTICLE 1. In the following rules every steamship which is under sail, and not under steam, is to be considered a sailing-ship; and every steamship which is under steam, whether under sail or not, is to be considered a ship under steam.

Rules for lights.

RULES CONCERNING LIGHTS.

LIGHTS.

ARTICLE 2. The lights mentioned in the following articles, and no others, shall be carried in all weathers between sunset and sunrise.

LIGHTS FOR STEAMSHIPS.

ARTICLE 3. All steam-vessels when under way shall carry —

Lights for steamships;

(a) At the foremast head, a bright white light, so fixed as to show an uniform and unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the ship, viz: from right ahead to two points abaft the beam on either side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles.

(b) On the starboard side, a green light, so constructed as to throw an uniform and unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.

(c) On the port side, a red light, so constructed as to show an uniform unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.

(d) The said green and red side lights shall be fitted with inboard screens, projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

LIGHTS FOR STEAM-TUGS.

ARTICLE 4. Steamships, when towing other ships, shall carry two bright white masthead lights vertically, in addition to their side lights, so as to distinguish them from other steamships. Each of these masthead lights shall be of the same construction and character as the masthead lights which other steamships are required to carry.

for steam-tugs.

LIGHTS FOR SAILING-SHIPS.

ARTICLE 5. Sailing-ships under way or being towed shall carry the same lights as steamships under way, with the exception of the white masthead lights, which they shall never carry.

for sailing-ships.

EXCEPTIONAL LIGHTS FOR SMALL SAILING-VESSELS.

ARTICLE 6. Whenever, as in the case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side.

Exceptional lights for small sailing-vessels.

To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens.

LIGHTS FOR SHIPS AT ANCHOR.

ARTICLE 7. Ships, whether steamships or sailing-ships, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear uniform and unbroken light visible all around the horizon, and at a distance of at least one mile.

Lights for ships at anchor;

LIGHTS FOR PILOT-VESSELS.

ARTICLE 8. Sailing pilot-vessels shall not carry the lights required for

for pilot-vessels.

other sailing-vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light every fifteen minutes.

LIGHTS FOR FISHING-VESSELS AND BOATS.

Lights for fishing-vessels and boats.

ARTICLE 9. Open fishing-boats and other open boats shall not be required to carry side lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on the one side and a red slide on the other side, and on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side. Fishing-vessels and open boats when at anchor, or attached to their nets and stationary, shall exhibit a bright white light. Fishing-vessels and open boats shall, however, not be prevented from using a flare-up in addition, if considered expedient.

RULES GOVERNING FOG-SIGNALS.

FOG-SIGNALS.

Rules for fog-signals.

ARTICLE 10. Whenever there is a fog, whether by day or night, the fog-signals described below shall be carried and used, and shall be sounded at least every five minutes, viz: —

(a) Steamships under way shall use a steam-whistle placed before the funnel, not less than eight feet from the deck.

(b) Sailing-ships under way shall use a fog-horn.

(c) Steamships and sailing-ships when not under way shall use a bell.

Steering and sailing rules.

STEERING AND SAILING RULES.

TWO SAILING-SHIPS MEETING.

Two sailing-ships meeting;

ARTICLE 11. If two sailing-ships are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

TWO SAILING-SHIPS CROSSING.

Two sailing-ships crossing.

ARTICLE 12. When two sailing-ships are crossing so as to involve risk of collision, then, if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side, except in the case in which the ship with the wind on the port side is close-hauled, and the other ship free, in which case the latter ship shall keep out of the way. But if they have the wind on the same side, or if one of them has the wind aft, the ship which is to windward shall keep out of the way of the ship which is to leeward.

TWO SHIPS UNDER STEAM MEETING.

Two ships under steam meeting;

ARTICLE 13. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

TWO SHIPS UNDER STEAM CROSSING.

Two ships under steam crossing.

ARTICLE 14. If two ships under steam are crossing so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

SAILING-SHIP AND SHIP UNDER STEAM.

Sailing-ship and ship under steam.

ARTICLE 15. If two ships, one of which is a sailing-ship and the other a steamship, are proceeding in such directions as to involve risk of collision, the steamship shall keep out of the way of the sailing-ship.

SHIPS UNDER STEAM TO SLACKEN SPEED.

ARTICLE 16. Every steamship, when approaching another ship, so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steamship shall, when in a fog, go at a moderate speed. Ships under steam to slacken speed.

VESSELS OVERTAKING OTHER VESSELS.

ARTICLE 17. Every vessel overtaking any other vessel shall keep out of way of the said last-mentioned vessel. Vessels overtaking other vessels.

CONSTRUCTION OF ARTICLES 12, 14, 15, AND 17.

ARTICLE 18. Where, by the above rules, one of two ships is to keep out of the way, the other shall keep her course subject to the qualifications contained in the following article: — Construction of articles 12, 14, 15, and 17.

PROVISO TO SAVE SPECIAL CASES.

ARTICLE 19. In obeying and construing these rules due regard must be had to all dangers of navigation, and due regard must also be had to any special circumstances which may exist in any particular case rendering a departure from the above rules necessary in order to avoid immediate danger. Special cases.

NO SHIP UNDER ANY CIRCUMSTANCES TO NEGLECT PROPER PRECAUTIONS.

ARTICLE 20. Nothing in these rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. Proper precautions to be always observed.

APPROVED, April 29, 1864.

CHAP. LXX. — *An Act to provide for the Collection of Hospital Dues from Vessels of the United States sold or transferred in foreign Ports or Waters.* April 29, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of the sale or transfer of any vessel of the United States in a foreign port or water, the consul, vice-consul, commercial agent, or vice-commercial agent of the United States within whose consulate or district such sale or transfer shall have been made, or in whose hands the papers of such vessel shall be, he is hereby authorized and required to collect of the master or agent of such vessel, all moneys that shall have become due to the United States under and by virtue of the act entitled "An act for the relief of sick and disabled seamen," approved July sixteenth, seventeen hundred and ninety-eight, and shall remain unpaid at the time of such sale or transfer; and that the said consul, vice-consul, commercial agent, or vice-commercial agent, (as the case may be,) be, and he is hereby, instructed and required to retain possession of the papers of such vessel until such money shall have been paid as herein provided; and in default of which, such sale or transfer shall be void, excepting as against the vendor: *Provided,* That this act shall not take effect until the expiration of sixty days from and after its passage. Hospital dues to be collected from United States vessels sold in foreign ports.

1798, ch. 77.
Vol. i. p. 605.

When act takes effect.

APPROVED, April 29, 1864.

CHAP. LXXXI — *An Act to increase the Compensation of Inspectors of Customs in certain Ports.* April 29, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the
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Pay of inspectors of customs in certain ports may be increased until July 1, 1865. [Extended to July 1, 1866. *Post*, p. 460.]

Treasury be, and he hereby is, authorized to increase the compensation of inspectors of customs in such ports as he may think it advisable so to do, and may designate, by adding to the present compensation of said officers a sum not exceeding one dollar per day. But the increase hereby authorized shall not extend beyond July first, eighteen hundred and sixty-five.

APPROVED, April 29, 1864.

April 29, 1864.

CHAP. LXXII. — *An Act in Reference to Donation Claims in Oregon and Washington.*

Sub-division of donation claims in Oregon and Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall appear that two donation settlers in the state of Oregon or Washington territory shall hold their conterminous improvements in such a manner as may require a half quarter section to be divided into two equal parts by a line north and south or east and west, it shall and may be lawful for the commissioner of the general land-office to issue patents recognizing for each claimant such subdivisions; this enactment to include cases existing at the date of this act, where the claim may be proved and established according to law.

APPROVED, April 29, 1864.

April 29, 1864.

CHAP. LXXIII. — *An Act for the Relief of Postmasters who have been robbed by confederate Forces or Rebel Guerrillas.*

Postmasters without fault robbed by guerrillas, &c., of stamps, &c., to be credited with the amount.

1865, ch. 89, § 2.

Post, p. 505.

When money is to be refunded.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where loyal postmasters have been robbed by confederate forces or rebel guerrillas, of post-office stamps, stamped envelopes, or of money received and collected for, belonging to, and held for the government of the United States, and where such robbery has not been caused by the default or negligence of the postmaster, the Postmaster-General shall be, and he is hereby, authorized to credit such postmaster, in the settlement of his accounts, with the amount of which he may have been so robbed. And in cases where no such credit has been allowed, and the postmaster has been required to and has accounted for and paid over to the Post-Office Department the sum or sums of which he may have been so robbed, as aforesaid, the Postmaster-General is authorized to refund the same to such postmaster.

APPROVED, April 29, 1864.

May 3, 1864.

CHAP. LXXIV. — *An Act to aid the Indian Refugees to return to their Homes in the Indian Territory.*

Appropriation for refugee and destitute Indians in the southern superintendency.

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, for the removal and temporary relief of the refugee and destitute Indians in the southern superintendency, viz: for expenses of transportation and subsistence by the way to the Indian territory, fifty-two thousand dollars; for temporary subsistence in the Indian country of refugee and destitute Indians, to the close of the present fiscal year, one hundred and fifty-three thousand dollars; for seeds, ploughs, and necessary agricultural implements, to enable them to raise a crop the present season, eighteen thousand dollars.

APPROVED, May 3, 1864.

CHAP. LXXVII. — *An Act to vacate and sell the present Indian Reservations in Utah Territory, and to settle the Indians of said Territory in the Uinta Valley.* May 5, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and required to cause the several Indian reservations heretofore made, or occupied as such, in the territory of Utah, excepting Uinta valley, to be surveyed into tracts or lots, not exceeding eighty acres each, under the direction of the commissioner of the general land-office, and upon the completion of such surveys shall cause said tracts or lots to be sold, upon sealed bids, to be duly invited by public advertisement, for a period not less than three months, in a newspaper of general circulation published in the territory of Utah, and also a newspaper published in Washington, to the highest and best bidder; said bids may be filed with the governor of said territory at the seat of government thereof, and with the Secretary of the Interior in Washington; such bids as may be received by said governor shall, without opening the same, be forwarded to the Secretary of the Interior, when the same, with the bids filed with him, shall be opened in the presence of the Secretary of the Interior, the commissioner of public lands, and the commissioner of Indian affairs, and any bidders who may choose to be present at the opening thereof; and the Secretary of the Interior shall apply the proceeds of such sales to the construction of improvements upon the reservations which may be established under the provisions of this act, or by other lawful authority, or to the purchase of stock, agricultural implements, or such other useful articles as to him may seem best adapted to the wants and requirements of the Indians: *Provided,* That no tract of land shall be sold under the provisions of this section for less than its appraised value in cash, to be duly ascertained by commissioners appointed by the Secretary of the Interior for that purpose.

SEC. 2. *And be it further enacted,* That the superintendent of Indian affairs for the territory of Utah be, and he is hereby, authorized and required to collect and settle all or so many of the Indians of said territory as may be found practicable in the Uinta valley, in said territory, which is hereby set apart for the permanent settlement and exclusive occupation of such of the different tribes of Indians of said territory as may be induced to inhabit the same.

SEC. 3. *And be it further enacted,* That, for the purpose of making agricultural improvements in the Uinta valley for the comfort of the Indians who may inhabit the same, and to enable them to become self-sustaining by means of agriculture, there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of thirty thousand dollars, which sum shall be expended by the superintendent of Indian affairs for said territory, under the instruction of the Secretary of the Interior.

APPROVED, May 5, 1864.

CHAP. LXXVIII. — *An Act for the Prevention and Punishment of Frauds in Relation to the Names of Vessels.* May 5, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every steamboat of the United States shall, in addition to having her name painted on her stern, as now required by law, also have the same conspicuously placed in distinct, plain letters, of not less than six inches in length, on each outer side of the pilot-house, if it has such, and (in case the said boat has side-wheels) also on the outer side of each wheel-house; and if any such steamboat shall be found without having her name placed as herein required, she shall be subject to the same penalty and forfeiture as is now provided by law in the case of a vessel of the United States found without having her

Indian reservations in Utah Territory to be surveyed and sold.

Uinta valley excepted.
Mode of sale.

Proceeds of sales, how to be applied.

Minimum price.

The Indians in the territory to be settled in Uinta valley.

Appropriation for agricultural improvements therein.

Names of steamboats, where to be placed on the vessel.

Penalty.

name and the name of the port to which she belongs painted on her stern, as required by law.

SEC. 2. *And be it further enacted*, That no master, owner, or agent of any vessel of the United States shall in any way change the name of such vessel, or by any device, advertisement, or contrivance, deceive, or attempt to deceive, the public, or any officer or agent of the United States government, or of any state, or any corporation or agent thereof, or any person or persons, as to the true name of such vessel, on pain of the forfeiture of such vessel: *Provided*, That this act shall not take effect until the expiration of sixty days from and after its passage.

APPROVED, May 5, 1864.

May 5, 1864.

CHAP. LXXIX. — *An Act making a Grant of Lands to the State of Minnesota, to aid in the Construction of the Railroad from Saint Paul to Lake Superior.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and there is hereby, granted to the state of Minnesota for the purpose of aiding in the construction of a railroad in said state from the city of Saint Paul to the head of Lake Superior, every alternate section of public land of the United States, not mineral, designated by odd numbers, to the amount of five alternate sections per mile on each side of the said railroad on the line thereof, within the state of Minnesota; but in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold, appropriated, reserved, or otherwise disposed of any sections, or any part thereof, granted as aforesaid, or that the right of preëmption or homestead settlement has attached to the same, then it shall be the duty of the Secretary of the Interior to select from the lands of the United States nearest to the lines of sections above specified, in alternate sections or parts thereof, so much public land of the United States, not mineral, as shall be equal in amount to such lands as the United States have sold or otherwise appropriated, or to which the rights of preëmption or homestead settlement may have attached, as aforesaid; which lands thus selected in lieu of those sold, reserved, or otherwise appropriated or disposed of, or to which the rights of preëmption or homestead settlement may have attached, as aforesaid, together with the sections and parts of sections designated as aforesaid, and appropriated as aforesaid, shall be held and disposed of by the said state for the use and purpose aforesaid: *Provided*, That the land to be so selected shall in no case be located farther than twenty miles from the lines of said road: *And provided, further*, That the lands hereby granted for and on account of said road shall be exclusively applied in the construction of the same, and for no other purpose whatever, and shall be disposed of only as the work progresses through the same, as in this act hereinafter provided: *Provided, also*, That no part of the land granted by this act shall be applied to aid in the construction of any railroad, or part thereof, for the construction of which any previous grant of land may have been made by congress: *And provided, further*, That any and all lands heretofore reserved to the United States by any act of congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States, from the operations of this act, except so far as it may be found necessary to locate the route of the said road through such reserved lands; in which case the right of way only shall be granted, subject to the approval of the President of the United States: *Provided, further*, That the minimum price of the even sections and parts of sections of the public lands of the United States, within the limits of ten miles on each side of the line of said road, shall be two dollars and fifty cents per acre.

SEC. 2. *And be it further enacted*, That whenever said state shall

Name not to be changed nor deception practised as to name.

When act takes effect.

Lands granted to Minnesota for a railroad from Saint Paul to head of Lake Superior.

Reserved or preëmpted lands.

Land not to be located more than twenty miles from the road.

Lands granted, how to be applied.

Not to be applied to certain roads.

Former reservations not within this act.

Minimum price of the lands not granted.

cause to be completed twenty consecutive miles of any portion of said railroad, supplied with all necessary drains, culverts, viaducts, crossings, sidings, bridges, turn-outs, watering-places, depots, equipments, furniture, and all other appurtenances of a first-class railroad, patents shall issue conveying the right and title to said lands to said state, on each side of the road, as far as the same is completed, and coterminous with said completed section, not exceeding the amount aforesaid, and patents shall in like manner issue as each twenty miles of said road is completed: *Provided, however,* That no patents shall issue for any of said lands unless there shall be presented to the Secretary of the Interior a statement, certified by the governor of the state of Minnesota, that such twenty miles have been completed in the manner required by this act, and setting forth with certainty the points where such twenty miles begin and where the same end.

Patents for the granted lands, when and how to issue.

Certificate of governor of Minnesota.

SEC. 3. *And be it further enacted,* That when the said road shall be definitely located, and a plat thereof filed with the Secretary of the Interior, the lands hereby granted shall not thereafter be subject to settlement, preëmption, or private entry adverse to this grant.

Lands granted, when not to be subject to pre-emption, &c.

SEC. 4. *And be it further enacted,* That the said state, in addition to the grant heretofore mentioned, is hereby authorized to locate the said road over any public lands of the United States, not otherwise appropriated, reserved, or disposed of, and that the right of way over said lands of the United States for the purpose aforesaid is hereby granted to said state to the width of one hundred feet on each side of said road as located.

Right of way over public lands.

SEC. 5. *And be it further enacted,* That the said lands hereby granted when patented to said state, shall be subject to the disposal of said state for the purposes aforesaid, and for no other; and the said railroad shall be and remain a public highway for the use of the government of the United States, free from all toll or other charge, for the transportation of any property or troops of the United States.

Width. Lands to be used only for purposes of roads.

Road to be public highway.

SEC. 6. *And be it further enacted,* That if said road is not completed within eight years from the time of the passage of this act, as provided herein, no further patents shall be issued for said lands, and no further sale shall be made, and the lands unsold shall revert to the United States.

Road to be completed within eight years, if not, lands to revert.

SEC. 7. *And be it further enacted,* That the United States mail shall be transported over said road, under the direction of the Post-Office Department, at such price as congress may by law direct: *Provided,* That until such price is fixed by law the Postmaster-General shall have the power to determine the same.

Mails to be carried at such price as congress directs, &c.

SEC. 8. *And be it further enacted,* That any railroad which may hereafter be constructed from any point on the Bay of Superior, in the state of Wisconsin, shall be permitted to connect with the said railroad, for the construction of which the said lands are hereby granted, at any point which may be selected by the president and directors of said railroad company so permitted to connect their said road, and the said railroad company so permitted to connect shall have the right and privilege to transport, or have transported, over the track of said railroad, for the construction of which the said lands are hereby granted, all or any of its cars, passengers, or freights, and the said railroad company controlling the said road, for the construction of which the said lands are hereby granted, shall have the same right and privilege to transport or have transported all or any of its cars, freights, or passengers over the track of the said railroad of the company so permitted to connect, and said transportation shall be paid by the railroad company using, to the railroad company according the same, at the usual rates or charges which may be imposed by the said company upon all other cars, freights, or passengers.

Certain railroads hereafter constructed may connect with this.

This railroad may connect with those.

APPROVED, May 5, 1864.

May 5, 1864.

CHAP. LXXX. — *An Act granting Lands to aid in the Construction of certain Railroads in the State of Wisconsin.*

Land granted to Wisconsin for certain railroads;

from Saint Croix river or lake to Lake Superior.

1856, ch. 43.
Vol. xi. p. 20.

Reserved or preempted lands.

Lands not to be located more than twenty miles from the road.

Road from Tomah to Saint Croix river.

1856, ch. 43.
Vol. xi. p. 20.

Reserved or preempted lands.

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, granted to the state of Wisconsin, for the purpose of aiding in the construction of a railroad from a point on the Saint Croix river or lake, between townships twenty-five and thirty-one, to the west end of Lake Superior, and from some point on the line of said railroad, to be selected by said state, to Bayfield, every alternate section of public land designated by odd numbers, for ten sections in width on each side of said road, deducting any and all lands that may have been granted to the state of Wisconsin for the same purpose, by the act of congress of June three, eighteen hundred and fifty-six, upon the same terms and conditions as are contained in the act granting lands to the state of Wisconsin, to aid in the construction of railroads in said state, approved June three, eighteen hundred and fifty-six. But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold, reserved, or otherwise disposed of, any sections or parts thereof, granted as aforesaid, or that the right of preëmption or homestead has attached to the same, then it shall be lawful for any agent or agents, to be appointed by said company, to select, subject to the approval of the Secretary of the Interior, from the public lands of the United States nearest to the tier of sections above specified, as much land in alternate sections or parts of sections, as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of preëmption or homestead has attached as aforesaid, which lands (thus selected in lieu of those sold, and to which preëmption or homestead right has attached as aforesaid, together with sections and parts of sections designated by odd numbers as aforesaid, and appropriated as aforesaid,) shall be held by said state for the use and purpose aforesaid: *Provided,* That the lands to be so located shall in no case be further than twenty miles from the line of the said roads, nor shall such selection or location be made in lieu of lands received under the said grant of June three, eighteen hundred and fifty-six, but such selection and location may be made for the benefit of said state, and for the purpose aforesaid, to supply any deficiency under the said grant of June third, eighteen hundred and fifty-six, should any such deficiency exist.

SEC. 2. And be it further enacted, That there be, and is hereby, granted to the state of Wisconsin, for the purpose of aiding in the construction of a railroad from the town of Tomah, in the county of Monroe, in said state, to the Saint Croix river or lake, between townships twenty-five and thirty-one, every alternate section of public land designated by odd numbers for ten sections in width on each side of said road, deducting any and all lands that may have been granted to the state of Wisconsin for the same purpose, by the act of congress granting lands to said state to aid in the construction of certain railroads, approved June three, eighteen hundred and fifty-six, upon the same terms and conditions as are contained in the said act of June three, eighteen hundred and fifty-six. But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold, reserved, or otherwise disposed of any sections, or parts of sections, granted as aforesaid, or that the right of preëmption or homestead has attached to the same, then it shall be lawful for any agent or agents to be appointed by said state to select, subject to the approval of the Secretary of the Interior, from the public lands of the United States nearest to the tier of sections above specified, as much land, in alternate sections, or parts of sections, as shall be equal to such lands as the United States have sold, or otherwise appropriated, or to which the right of preëmption or homestead has attached, as aforesaid, which lands (thus selected in lieu of those sold, and to which preëmption or homestead right has

attached as aforesaid, together with sections and parts of sections, designated by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by said state for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than twenty miles from the line of the said road, nor shall such selection or location be made in lieu of lands received under the said grant of June three, eighteen hundred and fifty-six, but such selections and locations may be made for the benefit of said state, and for the purpose aforesaid, to supply any deficiency under the said grant of June three, eighteen hundred and fifty-six, should any such deficiency exist.

Lands not to be located more than twenty miles from the road.

SEC. 3. *And be it further enacted*, That there be, and is hereby, granted to the state of Wisconsin, for the purpose of aiding in the construction of a railroad from Portage city, Berlin, Doty's Island, or Fon du Lac, as said state may determine, in a northwestern direction, to Bayfield, and thence to Superior, on Lake Superior, every alternate section of public land, designated by odd numbers, for ten sections in width on each side of said road, upon the same terms and conditions as are contained in the act granting lands to said state to aid in the construction of railroads in said state, approved June three, eighteen hundred and fifty-six. But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold, reserved, or otherwise disposed of any sections or parts thereof, granted as aforesaid, or that the right of preëmption or homestead has attached to the same, that it shall be lawful for any agent or agents of said state, appointed by the governor thereof, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tier of sections above specified, as much public land in alternate sections, or parts of sections, as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of preëmption or homestead has attached as aforesaid, which lands (thus selected in lieu of those sold and to which the right of preëmption or homestead has attached as aforesaid, together with sections and parts of sections designated by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by said state, or by the company to which she may transfer the same, for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than twenty miles from the line of said road.

Road from Portage city, or Fon du Lac to Bayfield, &c.

1856, ch. 43. Vol. xi. p. 20.

Reserved and preëmpted lands.

Limit and location of lands.

SEC. 4. *And be it further enacted*, That the sections and parts of sections of lands which shall remain to the United States within ten miles on each side of said roads shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of the said reserved lands become subject to private entry until the same have been first offered at public sale at the increased price.

Minimum price of remaining lands.

SEC. 5. *And be it further enacted*, That the time fixed and limited for the completion of said roads in the act aforesaid of June three, eighteen hundred and fifty-six, be and the same is hereby extended to a period of five years from and after the passage of this act.

Time for completion of former roads extended.

SEC. 6. *And be it further enacted*, That any and all lands reserved to the United States by any act of congress for the purpose of aiding in any object of internal improvement, or in any manner for any purpose whatsoever, and all mineral lands be and the same are hereby reserved and excluded from the operation of this act, except so far as it may be found necessary to locate the route of such railroads through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States.

Lands formerly granted and mineral lands exempted from this act, except as to right of way.

SEC. 7. *And be it further enacted*, That whenever the companies to which this grant is made, or to which the same may be transferred, shall have completed twenty consecutive miles of any portion of said railroads, supplied with all necessary drains, culverts, viaducts, crossings, sidings,

Patents for the granted lands, when and how to issue.

bridges, turn-outs, watering-places, depots, equipments, furniture, and all other appurtenances of a first-class railroad, patents shall issue conveying the right and title to said lands to the said company entitled thereto, on each side of the road, so far as the same is completed, and coterminous with said completed section, not exceeding the amount aforesaid, and patents shall in like manner issue as each twenty miles of said road is completed: *Provided, however,* That no patents shall issue for any of said lands unless there shall be presented to the Secretary of the Interior a statement, verified on oath or affirmation by the president of said company, and certified by the governor of the state of Wisconsin, that such twenty miles have been completed in the manner required by this act, and setting forth with certainty the points where such twenty miles begin and where the same end; which oath shall be taken before a judge of a court of record of the United States.

Certificate of the governor of Wisconsin.

Lands to be applied only to the purposes of the roads.

Roads to be public highways for the use of the United States.

Roads, when to be completed.

If not, lands unsold to revert to the United States.

SEC. 8. *And be it further enacted,* That the said lands hereby granted shall, when patented as provided in section seven of this act, be subject to the disposal of the companies respectively entitled thereto, for the purposes aforesaid, and no other, and the said railroads be, and shall remain, public highways for the use of the government of the United States, free from all toll or other charge, for the transportation of any property or troops of the United States.

SEC. 9. *And be it further enacted,* That if said road mentioned in the third section aforesaid is not completed within ten years from the time of the passage of this act, as provided herein, no further patents shall be issued to said company for said lands, and no further sale shall be made, and the lands unsold shall revert to the United States.

APPROVED, May 5, 1864.

May 5, 1864.

1820, ch. 104, §

8.

Vol. iii. p. 587.

Section eight of former act amended.

1865, ch. 48.

Post, p. 434.

Taxes for local improvements, streets, sewerage, drainage.

CHAP. LXXXI—*An Act to amend "An Act to incorporate the Inhabitants of the City of Washington," passed May fifteen, eighteen hundred and twenty.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section eight of "An act to incorporate the inhabitants of the city of Washington," passed May fifteenth, eighteen hundred and twenty, be amended so as to read as follows: That the said corporation shall have full power and authority to lay taxes on particular wards, parts, or sections of the city, for their particular local improvements, and to cause the curbstones to be set, the foot and carriage ways to be graded and paved, or so much thereof as they may deem best, and the necessary sewerage and drainage facilities to be introduced under and upon the whole or any portion of any avenue, street, or alley, and also to cause the same to be suitably paved and repaired, and to be at all times properly cleaned and watered, and also to cause lamps to be erected therein, and to light the same, and to pay the cost thereof out of the funds of the ward in which such improvement shall be made; this provision not to be construed as repealing, but being intended as auxiliary to the power they already possess to make local improvements on the application of the owners of property benefited thereby.

Person to be appointed to see that streets are cleaned, watered, kept in repair, &c.

SEC. 2. *And be it further enacted,* That immediately upon the approval of this act the said corporation shall designate some proper officer thereof whose duty it shall be to see that the provisions of this act are properly executed, and that the principal avenues and streets of the said city are so cleaned and watered as to be at all times reasonably clean and free from dust; and also to keep the pavements and side-walks upon said avenues and streets at all times in suitable and proper repair; and it shall further be the duty of the said corporation to take such measures as they shall deem wise to promote some uniform and general system of drainage for said city.

SEC. 3. *And be it further enacted,* That in all cases in which the streets, avenues, or alleys of the said city pass through or by any of the property of the United States, the commissioner of the public buildings shall pay to the duly authorized officer of the corporation the just proportion of the expense incurred in improving such avenue, street, or alley, which the said property bears to the whole cost thereof, to be ascertained in the same manner as the same is apportioned among the individual proprietors of the property improved thereby.

The United States to pay its proportion for improvements in certain streets.

APPROVED, May 5, 1864.

CHAP. LXXXII. — *An Act for the Relief of the Settlers upon certain Lands in California.*

May 5, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any and all persons claiming, whether as preëmptors or settlers, or under any grant or title, any of the lands included within the exterior boundaries of a certain grant for the rancho San Ramon, situate in the county of Contra Costa, in California, made to Bartolo Pacheco and Mariana Castro by Don José Figueroa, governor of Upper California, on or about the tenth day of June, eighteen hundred and thirty-three, and which claim, or two leagues thereof, has been confirmed by the district court of the United States in separate moieties, one in the name of Horace W. Carpenter, and the other in the name of Rafael Soto de Pacheco and others, by a decree of said court made and entered on or about the fourth day of June, eighteen hundred and sixty-two, shall have the right in all courts to contest the correctness of the location of the lands so confirmed, within the said exterior boundaries, notwithstanding any official or approved survey thereof now made or hereafter to be made under the said decree of confirmation, and notwithstanding any stipulation or consent given by the district attorney of the United States authorizing such locations.

Claimants of certain lands within a grant for the rancho San Ramon, may contest the location thereof.

SEC. 2. *And be it further enacted;* That in case it shall be found that the United States have title to any of said lands within said exterior boundaries, which have been settled upon and improved by any person, in good faith, under a bona fide claim of title, such occupant, and each settler upon said lands so situated, shall be entitled to enter and receive a patent for one hundred and sixty acres of land, including his improvements, upon payment, at the proper land-office, of the government price of one dollar and twenty-five cents per acre, and proving that he was one of the actual and bona fide settlers on said lands, and had made improvements thereon before the passage of this act.

If the United States has title to any of these lands, bona fide settlers thereon shall have a patent, &c.

SEC. 3. *And be it further enacted,* That this act shall take effect immediately.

When this act takes effect.

APPROVED, May 5, 1864.

CHAP. LXXXIII. — *An Act to regulate the Admeasurement of Tonnage of Ships and Vessels of the United States.*

May 6, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every ship or vessel built within the United States, or that may be owned by a citizen or citizens thereof, on or after the first day of January, eighteen hundred and sixty-five, shall be measured and registered in the manner hereinafter provided; also every ship or vessel that is now owned by a citizen or citizens of the United States shall be remeasured and reregistered upon her arrival after said day at a port of entry in the United States, and prior to her departure therefrom, in the same manner as hereinafter described: *Provided,* That any ship or vessel built within the United States after the passage of this act may be measured and registered in the manner herein provided.

[Amended, 1865, ch. 70. Post, p. 444.]
Ships and vessels of the United States, how to be measured and registered.

Proviso.

SEC. 2. *And be it further enacted,* That the register of every vessel

Register to express what.

shall express her length and breadth, together with her depth and the height under the third or spar deck, which shall be ascertained in the following manner: The tonnage-deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases the upper deck of the hull is to be the tonnage-deck. The length from the forepart of the outer planking, on the side of the stem, to the afterpart of the main sternpost of screw steamers, and to the afterpart of the rudderpost of all other vessels measured on the top of the tonnage-deck, shall be accounted the vessel's length. The breadth of the broadest part on the outside of the vessel shall be accounted the vessel's breadth of beam. A measure from the under side of tonnage-deck plank, amidships, to the ceiling of the hold (average thickness) shall be accounted the depth of hold. If the vessel has a third deck, then the height from the top of the tonnage-deck plank to the under side of the upper-deck plank shall be accounted as the height under the spar-deck. All measurement to be taken in feet and fractions of feet; and all fractions of feet shall be expressed in decimals.

SEC. 3. *And be it further enacted*, That the register tonnage of a vessel shall be her entire internal cubical capacity in tons of one hundred cubic feet each, to be ascertained as follows: Measure the length of the vessel in a straight line along the upper side of the tonnage-deck, from the inside of the inner plank (average thickness,) at the side of the stem to the inside of the plank on the stern timbers, (average thickness,) deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern-timber in the thickness of the deck, and also what is due to the rake of the stern-timber in one third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the vessel belongs:—

Table of classes of vessels.	TABLE OF CLASSES.
Class first,	Class 1. — Vessels of which the tonnage length according to the above measurement is fifty feet or under, into six equal parts.
second,	Class 2. — Vessels of which the tonnage length according to the above measurement is above fifty feet, and not exceeding one hundred feet long, into eight equal parts.
third,	Class 3. — Vessels of which the tonnage length according to the above measurement is above one hundred feet long, and not exceeding one hundred and fifty feet long, into ten equal parts.
fourth,	Class 4. — Vessels of which the tonnage length according to the above measurement is above one hundred and fifty feet, and not exceeding two hundred feet long, into twelve equal parts.
fifth,	Class 5. — Vessels of which the tonnage length according to the above measurement is above two hundred feet, and not exceeding two hundred and fifty feet long, into fourteen equal parts.
sixth.	Class 6. — Vessels of which the tonnage length according to the above measurement is above two hundred and fifty feet long, into sixteen equal parts.

Then, the hold being sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such vessel at each point of division of the length as follows:—

Measure the depth at each point of division from a point at a distance of one third of the round of the beam below such deck, or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor-timber, at the inside of the limber-strake, after deducting the average thickness of the ceiling, which is between the bilge-planks and limber-strake; then, if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth, at each of the three points of divis-

ion, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above, (numbering the upper breadth one, and so on down to the lowest breadth;) multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the last, or fifth; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts, instead of four, and measure, as before directed, the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth, by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the last, or seventh; multiply the quantities thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area.

Transverse
area.

Having thus ascertained the transverse area at each point of division of the length of the vessel, as required above, proceed to ascertain the register tonnage of the vessel in the following manner:—

Register ton-
nage, how ascer-
tained;

Number the areas successively one, two, three, &c., number one being at the extreme limit of the length at the bow, and the last number at the extreme limit of the length at the stern; then whether the length be divided according to table, into six or sixteen parts, as in classes one and six, or any intermediate number, as in classes two, three, four, and five, multiply the second, and every even-numbered area, by four, and the third and every odd-numbered area (except the first and last) by two; add these products together, and to the sum add the first and last, if they yield anything; multiply the quantities thus obtained by one third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage-deck; divide this product by one hundred, and the quotient, being the tonnage under the tonnage-deck, shall be deemed to be the register tonnage of the vessel, subject to the additions hereinafter mentioned.

If there be a break, a poop, or any other permanent closed-in space on the upper decks, on the spar-deck, available for cargo, or stores, or for the berthing or accommodation of passengers or crew, the tonnage of such space shall be ascertained as follows:—

when there is
a break, or poop,
on upper or spar-
deck;

Measure the internal mean length of such space in feet, and divide it into an even number of equal parts of which the distance asunder shall be most nearly equal to those into which the length of the tonnage-deck has been divided; measure at the middle of its height the inside breadths, namely, one at each end and at each of the points of division, numbering them successively one, two, three, &c.; then to the sum of the end breadths add four times the sum of the even-numbered breadths and twice the sum of the odd-numbered breadths, except the first and last, and multiply the whole sum by one third of the common interval between the breadths; the product will give the mean horizontal area of such space; then measure the mean height between the planks of the decks, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage-decks, ascertained as aforesaid.

If a vessel has a third deck, or spar-deck, the tonnage of the space between it and the tonnage-deck shall be ascertained as follows:—

when there is
a third deck.

Measure in feet the inside length of the space, at the middle of its height, from the plank at the side of the stem, to the plank on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage-deck is divided; measure (also at

Register tonnage.

the middle of its height) the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively one, two, three, and so forth, commencing at the stem; multiply the second, and all other even-numbered breadths by four, and the third, and all the other odd-numbered breadths (except the first and last) by two; to the sum of these products add the first and last breadths, multiply the whole sum by one third of the common interval between the breadths, and the result will give, in superficial feet, the mean horizontal area of such space; measure the mean height between the plank of the two decks, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the vessel, ascertained as aforesaid. And if the vessel has more than three decks, the tonnage of each space between decks, above the tonnage-deck, shall be severally ascertained in the manner above described, and shall be added to the tonnage of the vessel, ascertained as aforesaid.

Tonnage of open vessels.

In ascertaining the tonnage of open vessels the upper edge of the upper strake is to form the boundary line of measurement, and the depth shall be taken from an athwartship line, extending from upper edge of said strake at each division of the length.

Register to express number of decks, tonnage, &c.

The register of the vessel shall express the number of decks, the tonnage under the tonnage-deck, that of the between-decks, above the tonnage-deck; also that of the poop or other enclosed spaces above the deck, each separately. In every registered United States ship or vessel the number denoting the total registered tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if it at any time cease to be so continued such vessel shall no longer be recognized as a registered United States vessel.

Tonnage to be marked on main beam.

Charges for measurement, and for certifying the same.

SEC. 4. *And be it further enacted*, That the charge for the measurement of tonnage and certifying the same shall not exceed the sum of one dollar and fifty cents for each transverse section under the tonnage-deck; and the sum of three dollars for measuring each between-decks above the tonnage-deck; and the sum of one dollar and fifty cents for each poop, or closed-in space available for cargo or stores, or for the berthing or accommodation of passengers, or officers and crew above the upper or spar-deck.

Provisions of this act not to apply to certain vessels.

SEC. 5. *And be it further enacted*, That the provisions of this act shall not be deemed to apply to any vessel not required by law to be registered, or enrolled, or licensed, and all acts and parts of acts inconsistent with the provisions of this are hereby repealed.

APPROVED, May 6, 1864.

May 12, 1864.

CHAP. LXXXIV. — *An Act for a Grant of Lands to the State of Iowa, in alternate Sections, to aid in the Construction of a Railroad in said State.*

Land granted to Iowa for a railroad from Sioux City, to south line of state;

for the McGregor Western railroad.

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, granted to the state of Iowa, for the purpose of aiding in the construction of a railroad from Sioux City, in said state, to the south line of the state of Minnesota, at such point as the said state of Iowa may select between the Big Sioux and the west fork of the Des Moines river; also to said state for the use and benefit of the McGregor Western Railroad Company, for the purpose of aiding in the construction of a railroad from a point at or near the foot of Main Street, South McGregor, in said state, in a westerly direction, by the most practicable route, on or near the forty-third parallel of north latitude, until it shall intersect the said road running from Sioux City to the Minnesota state line, in the county of O'Brien, in said state, every alternate section of land designated by odd

numbers for ten sections in width on each side of said roads ; but, in case it shall appear that the United States have, when the lines or routes of said roads are definitely located, sold any section or any part thereof granted as aforesaid, or that the right of preëmption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected, for the purposes aforesaid, from the public lands of the United States nearest to the tiers of sections above specified, so much land in alternate sections, or parts of sections, designated by odd numbers, as shall be equal to such lands as the United States have sold, reserved, or otherwise appropriated, or to which the right of homestead settlement or preëmption has attached, as aforesaid, which lands thus indicated by odd numbers and sections, by the direction of the Secretary of the Interior, shall be held by the state of Iowa for the uses and purposes aforesaid : *Provided*, That the lands so selected shall in no case be located more than twenty miles from the lines of said roads : *Provided, further*, That any and all lands heretofore reserved to the United States by any act of congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or other purpose whatever, be, and the same are hereby, reserved and excepted from the operation of this act, except so far as it may be found necessary to locate the routes of said roads through such reserved lands, in which case the right of way shall be granted, subject to the approval of the President of the United States.

If any lands granted have been before sold, &c., other lands may be selected in lieu thereof.

Limit of location.

Lands formerly granted, &c., excepted from this act, but right of way may be had.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which by such grant shall remain to the United States within ten miles on each side of said roads shall not be sold for less than double the minimum price of public lands when sold, nor shall any of said lands become subject to sale at private entry until the same shall have been first offered at public sale to the highest bidder at or above the minimum price as aforesaid : *Provided*, That actual bona fide settlers under the preëmption laws of the United States may, after due proof of settlement, improvement, and occupation, as now provided by law, purchase the same at the increased minimum price : *And provided, also*, That settlers under the provisions of the homestead law, who comply with the terms and requirements of said act, shall be entitled to patents for an amount not exceeding eighty acres each, anything in this act to the contrary notwithstanding.

Minimum price of lands not granted.

When subject to sale at private entry.

Proviso. Actual preëmption settlers, and those under the homestead law.

SEC. 3. *And be it further enacted*, That the lands hereby granted shall be subject to the disposal of the legislature of Iowa, for the purposes aforesaid and no other. And the said railroads shall be, and remain, public highways for the use of the government of the United States, free of all toll or other charges upon the transportation of any property or troops of the United States.

Lands, how to be disposed of and for what purposes only.

Roads to be public highways.

SEC. 4. *And be it further enacted*, That the lands hereby granted shall be disposed of by said state, for the purposes aforesaid only, and in manner following, namely : When the governor of said state shall certify to the Secretary of the Interior that any section of ten consecutive miles of either of said roads is completed in a good, substantial, and workmanlike manner as a first-class railroad, then the Secretary of the Interior shall issue to the state, patents for one hundred sections of land for the benefit of the road having completed the ten consecutive miles as aforesaid. When the governor of said state shall certify that another section of ten consecutive miles shall have been completed as aforesaid, then the Secretary of the Interior shall issue patents to said state in like manner, for a like number ; and when certificates of the completion of additional sections of ten consecutive miles of either of said roads are, from time to time, made as aforesaid, additional sections of lands shall be patented as aforesaid, until said roads, or either of them, are completed, when the whole of the

Lands, how to be disposed of.

Patents to issue for a hundred sections of land upon completion of ten consecutive miles of road.

McGregor
Western Rail-
road to complete
twenty miles of
its road annually.

Lands to revert
to state unless
roads are com-
pleted within ten
years, &c.

Not to be en-
cumbered, ex-
cept, &c.

Secretary of
Interior to with-
draw lands,
when, &c.

Mails to be
transported.

Pay, how de-
termined.

Grant to Min-
nesota for road
from St. Paul to
southern line of
state.

Conditions of
grant.

1857, ch. 99.

Vol. xi. p. 195.

Lands may be
selected, where.

lands hereby granted shall be patented to the state for the uses aforesaid and none other: *Provided*, That if the said McGregor Western Railroad Company, or assigns, shall fail to complete at least twenty miles of its said road during each and every year from the date of its acceptance of the grant provided for in this act, then the state may resume said grant, and so dispose of the same as to secure the completion of a road on said line and upon such terms, within such time as the state shall determine: *Provided, further*, That if the said roads are not completed within ten years from their several acceptance of this grant, the said lands hereby granted and not patented shall revert to the state of Iowa for the purpose of securing the completion of the said roads within such time, not to exceed five years, and upon such terms as the state shall determine: *And provided, further*, That said lands shall not in any manner be disposed of or encumbered, except as the same are patented under the provisions of this act; and should the state fail to complete said roads within five years after the ten years aforesaid, then the said lands undisposed of as aforesaid shall revert to the United States.

SEC. 5. *And be it further enacted*, That as soon as the governor of said state of Iowa shall file or cause to be filed with the Secretary of the Interior maps designating the routes of said roads, then it shall be the duty of the Secretary of the Interior to withdraw from market the lands embraced within the provisions of this act.

SEC. 6. *And be it further enacted*, That the United States mail shall be transported on said roads and branch, under the direction of the post-office department, at such price as congress may by law provide: *Provided*, That until such price is fixed by law the Postmaster-General shall have power to fix the rate of compensation.

SEC. 7. *And be it further enacted*, That there be, and is hereby, granted to the state of Minnesota for the purpose of aiding in the construction of a railroad from St. Paul and St. Anthony, via Minneapolis, to a convenient point of junction west of the Mississippi, to the southern boundary of the state, in the direction of the mouth of the Big Sioux river, four additional alternate sections of land per mile, to be selected upon the same conditions, restrictions, and limitations as are contained in the act of congress entitled "An act making a grant of land to the territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said territory, and granting public lands, in alternate sections, to the state of Alabama, to aid in the construction of a certain railroad in said state," approved March third, eighteen hundred and fifty-seven: *Provided*, That the land to be so located by virtue of this section may be selected within twenty miles of the line of said road, but in no case at a greater distance therefrom.

APPROVED, May 12, 1864.

May 12, 1864.

CHAP. LXXXV. — *An Act concerning the Disposition of Convicts in the Courts of the United States, for the Subsisting of Persons confined in Jails charged with violating the Laws of the United States, and for diminishing the Expenses in Relation thereto.*

Convicts in
courts of the
United States,
how to be dis-
posed of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons who have been, or who may hereafter be, convicted of crime by any court of the United States — not military — the punishment whereof shall be imprisonment, in a district or territory where, at the time of such conviction, there may be no penitentiary or other prison suitable for the confinement of convicts of the United States, and available therefor; shall be confined during the term for which they have been or may be sentenced, in some suitable prison in a convenient state or territory to be designated by the Secretary of the Interior, and shall be transported and delivered to the warden or keeper of the prison by the marshal of the district or territory

where such conviction shall have occurred; or if such conviction be had in the District of Columbia, then and in such case the transportation and delivery shall be by the warden of the jail of said district; the reasonable actual expense of transportation, necessary subsistence and hire, and transportation of guards and the marshal, or the warden of the jail in the District of Columbia, only, to be paid by the Secretary of the Interior, out of the judiciary fund: *Provided*, That if, in the opinion of the Secretary, the expense of transportation from any state, territory, or the District of Columbia, in which there is no penitentiary, will exceed the cost of maintaining them in jail in the state, territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their sentence.

in the District of Columbia.

Proviso.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Interior to contract with the managers or proper authorities having the control of such prison or prisoners, for the imprisonment, subsistence, and proper employment of all such prisoners, and to give the court having jurisdiction of such offences, in said district, notice of the prison where such persons will be confined if convicted.

Secretary of Interior to contract with state authorities for the subsistence, employment, &c., of such prisoners, and to notify the court.

SEC. 3. *And be it further enacted*, That hereafter there shall be allowed and paid by the Secretary of the Interior, for the subsistence of prisoners in the custody of any marshal of the United States and the warden of the jail in the District of Columbia, such sum only as it shall reasonably and actually cost to subsist them. And it shall be the duty of the Secretary of the Interior to prescribe such rules and regulations for the government of the marshals and the warden of the jail in the District of Columbia, in relation to their duties under this act, as will enable him to determine the actual and reasonable expense incurred.

Actual reasonable costs of subsisting prisoners to be paid.

Rules, &c., therefor.

SEC. 4. *And be it further enacted*, That it shall be the duty of the warden of the jail in the District of Columbia, whenever any person confined in said jail shall be adjudged to suffer death, to carry such judgment into execution; but nothing in this act nor "An act to authorize the appointment of a warden of the jail in the District of Columbia," approved February twenty-nine, eighteen hundred and sixty-four, shall be construed to impair or interfere with the authority of the marshal of the said district to commit persons to said jail, or to produce them in open court or before any judicial officer when thereto required. And it shall be the duty of the warden of said jail to receive such prisoners, and to deliver them to said marshal or his duly-authorized deputy, on the written request of either, for the purpose of taking them before any court or judicial officer as aforesaid.

Execution in capital cases.

Construction of this and of former act. 1864, ch. 16. Ante, p. 12.

SEC. 5. *And be it further enacted*, That the office of warden of the penitentiary in the District of Columbia shall, from and after the passage of this act, be suspended, and the salary and emoluments thereof cease, during the time in which there shall be no penitentiary used in said district.

Office of warden of penitentiary in District of Columbia suspended.

APPROVED, May 12, 1864.

CHAP. LXXXVI. — *An Act relating to Appointments in the Naval Service and Courts-Martial.*

May 16, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter all appointments in the volunteer naval service of the United States, above the rank of acting master, shall be submitted to the Senate for confirmation, in the same way and manner as appointments in the regular navy are required to be submitted.

Appointments in the volunteer naval service to be sent to Senate for confirmation.

SEC. 2. *And be it further enacted*, That naval courts-martial shall have power to sentence officers who shall absent themselves from their commands without leave, to be reduced to the rating of ordinary seamen.

Power of naval courts-martial.

APPROVED, May 16, 1864.

May 17, 1864.

1865, ch. 89, § 11.

Post, p. 506.

Money-order
offices estab-
lished at desig-
nated post-offices.

Orders for
money may be
issued.

Notice to
drawee.

Amount of
order and fees to
be first deposited.

Penalty.

Order to be
written on a pre-
pared blank form.

Applications,
to be filed and
preserved.

Orders not to
be issued for less
than \$1 nor more
than \$30.

Fees for orders.

Orders may be
changed, when,
&c.

Amount when
repaid.

Order to be
presented for
payment in
ninety days.

CHAP. LXXXVII. — *An Act to establish a Postal Money-Order System.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to promote public convenience, and to insure greater security in the transfer of money through the United States mails, the Postmaster-General is hereby authorized to establish, under such rules and regulations as he may find expedient and necessary, a uniform money-order system at all post-offices which he may deem suitable therefor, and which shall be designated and known as "Money-Order Offices;" and it shall be the duty of the deputy postmaster at every money-order office to issue, in such manner and form as the Postmaster-General may prescribe, an order for a sum of money payable by the deputy postmaster of any other money-order office which the person applying therefor may select; and the deputy postmaster who issues such order shall be required to send through the mails, without delay, to the deputy postmaster on whom it is drawn, due notice thereof, and he shall not deliver such order to the applicant therefor until the latter shall first have deposited with him the amount of money for which such order is drawn, together with the proper charge or fee therefor, as hereinafter provided. And it shall not be lawful for any deputy postmaster to issue a money-order on any other deputy postmaster without having previously received the money therefor; and any person who shall violate this provision shall be deemed guilty of misdemeanor, and on conviction thereof shall be fined in any sum not less than fifty nor more than five hundred dollars.

SEC. 2. *And be it further enacted,* That a money-order shall not be valid or payable unless it be drawn on a printed or engraved form, which shall be furnished to the money-order offices by the Postmaster-General; and it shall be the duty of the latter to supply such offices also with the blank forms of application for money-orders, one of which the deputy postmaster shall hand to each applicant for a money-order, who shall be required to enter, or cause to be entered, therein his own name and the name and address of the party to whom the order is to be paid, together with the amount thereof and the date of application. And all such applications, when filled up and delivered to the deputy postmaster, shall be preserved on file at his office for such length of time as the Postmaster-General may prescribe.

SEC. 3. *And be it further enacted,* That no money-order shall be issued for any sum less than one or more than thirty dollars; and all persons who receive money-orders shall be required to pay therefor the following charges or fees, viz: For an order for one dollar, or for any larger sum, but not exceeding ten dollars, a fee of ten cents shall be charged and exacted by the postmaster giving such order; for an order of more than ten and not exceeding twenty dollars, the charge shall be fifteen cents; and for every order exceeding twenty dollars a fee of twenty cents shall be charged.

SEC. 4. *And be it further enacted,* That if the purchaser of a money-order, from having made an error in stating the name of the office of payment, or the name of the payee, or for other reasons, be desirous that the said money-order be modified or changed, it shall be the duty of the deputy postmaster from whom he received it to take back, at his request, the first order, and issue another in lieu thereof, for which a new fee shall be charged and exacted; and it shall also be the duty of a deputy postmaster to repay the amount of any money-order to the person who obtained it, if the latter apply for such repayment and return the money-order; but the charge or fee paid therefor shall not in any case be refunded.

SEC. 5. *And be it further enacted,* That if any money-order be not presented to the deputy postmaster on whom it is drawn within ninety days after its date, it shall not be valid or payable; but the Postmaster-General shall be, and he is hereby, authorized, on application of the

payee of such money-order, to cause a new order in lieu thereof to be issued in his favor, for which a second fee shall be exacted. And the Postmaster-General is further authorized, whenever a money-order shall have been lost, to cause a duplicate thereof to be issued, for which a second fee shall be paid on application of the remitter or of the payee of such order, provided the party losing the original shall furnish a statement, under oath or affirmation, setting forth the loss or destruction thereof, and a certificate from the postmaster by whom it was payable that it had not been paid, and that it would not thereafter be paid.

Duplicate order to issue in case of loss.

Oath.

SEC. 6. *And be it further enacted,* That the payee of a money-order may, by his written endorsement thereon, direct it to be paid to any other person, and it shall be the duty of the deputy postmaster on whom it is ordered to pay the amount thereof to the person thus designated, provided the person to whom the money-order is endorsed shall furnish such proof as the Postmaster-General may require that the written endorsement is genuine, and that he is the person thereby empowered to receive payment of the order; but such second person shall not be at liberty to endorse the same order to a third party, and more than one endorsement shall render any order invalid, and not payable, and the holder thereof, in order to obtain the amount of the order shall be required to apply in writing to the Postmaster-General for a new order in lieu thereof, for which new order a second fee shall be charged: *Provided, however,* That in all cases, under this section, the original order shall be returned, and such proof shall be made of the genuineness of the endorsement thereon as the Postmaster-General may require.

Order may be once endorsed to another person, &c.

Proof of genuineness of endorsement.

Proviso.

SEC. 7. *And be it further enacted,* That deputy postmasters, at money-order offices, may be allowed by the Postmaster-General, as a compensation for the issuing and paying of money-orders, not exceeding one third of the whole amount of fees on money-orders issued, and, at the option of the Postmaster-General, one eighth of one per centum on the gross amount of orders paid at their offices: *Provided,* That all emoluments arising from such rates of compensation shall be subject to the provisions of the forty-first section of the act of third of March, eighteen hundred and twenty-five, entitled "An act to reduce into one the several acts establishing the Post-Office Department."

Compensation to postmasters for issuing money-orders.

Proviso.

1825, ch. 64, § 41. Vol. iv. p. 113.

SEC. 8. *And be it further enacted,* That it shall be the duty of the Postmaster General to require all postmasters who may be authorized to issue and pay money-orders, to execute new official bonds conditioned for the faithful performance of all duties and obligations imposed by this act, in addition to those required of them by existing laws as postmasters; and it shall be the duty of the Postmaster-General to direct all payments or transfers to or from money-order offices. He may direct transfers of money-order funds from one postmaster to another, and he may require and direct transfers or payments to be made from the funds received for money-orders to creditors of the Post-Office Department, to be replaced by equivalent transfers from the funds of said department arising from postages; and he may require and direct transfers of payments to be made from the funds of the Post-Office Department in the hands of any postmaster arising from postages to the money-order offices. And it shall be the further duty of the Postmaster-General to require each postmaster to render to the auditor of the treasury for the Post-Office Department weekly, semi-weekly, or daily accounts of all money-orders issued and paid, and of all fees received for issuing them, of all transfers, or payments made from funds received for money-orders, and of all moneys received to be applied to the payment of money-orders, or on account of money-order offices.

Postmasters to give new bonds.

Payments and transfers.

Postmasters to account for transfers and payments.

SEC. 9. *And be it further enacted,* That out of the moneys paid into the treasury for the service of the Post-Office Department the Postmaster-General shall have power to transfer to the deputy postmaster of any

Transfers to pay money-orders.

money-order office such sum as may be required, over and above the current revenue thereof to pay money-orders drawn on the latter; and such transfers shall be made by warrant on the treasury by the Postmaster-General, and countersigned and registered by the auditor of the treasury for the Post-Office Department.

Auditor to audit and settle accounts of postmasters.

SEC. 10. *And be it further enacted*, That it shall be the duty of the auditor of the treasury for the Post-Office Department to receive all accounts arising in the money-order offices, or relative thereto, and to audit and settle the same, and to certify their balances to the Postmaster-General as often as he may require. He shall keep and preserve all accounts arising in said offices, and shall report to the Postmaster-General all delinquencies of postmasters in rendering their money-order accounts, or in paying over money-order funds. He shall keep the accounts of the money-order offices separately from the accounts for postages, and in such manner as to show the number and amount of money-orders issued by each postmaster, and the number and amount of money-orders paid, the amount of fees received, and all the expenses of the establishment. And it shall be the further duty of the auditor to superintend the collection of all debts due to the United States, or to the Post-Office Department, by present or late postmasters, or other persons who are, or may have been, employed in the money-order offices. He shall direct suits and legal proceedings, and take all such measures as may be authorized by law to enforce the payment of such debts, or for the recovery of any penalties arising under the provisions of this act.

Accounts of money-order offices to be kept separate.

Dues to the United States to be collected.

Moneys received to be deemed moneys of the United States.

SEC. 11. *And be it further enacted*, That all moneys received for the sale of money-orders, including all fees received for selling the same, all moneys transferred from the funds of the Post-Office Department to the money-order offices, all funds transferred or paid from the money-order offices to the use and service of the Post-Office Department, and all transfers of funds from one postmaster to another for the use of the money-order offices, shall be deemed and taken to be the moneys in the treasury of the United States. And if any postmaster, assistant, clerk, or other person employed in or connected with the business or operations of the money-order offices, shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, or shall deposit in any bank, or shall exchange for other funds, any portion of such moneys, every such act shall be deemed and adjudged to be an embezzlement of so much of said moneys as shall be thus taken, converted, used, loaned, deposited, or exchanged, which is hereby declared to be a felony; and any failure to pay over or to produce the moneys intrusted to such person for the use of the money-order offices shall be held and taken to be prima facie evidence of such embezzlement. And any postmaster, assistant, clerk, or other person employed in or connected with the business of the money-order offices, and all other persons advising or participating in such act, on being convicted thereof before any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term of not less than six months nor more than ten years, and to a fine equal to the amount of the money embezzled. And upon the trial of any indictment against any person for embezzling public money under the provisions of this act, it shall be prima facie evidence for the purpose of showing a balance against such person to produce a transcript from the money-order account books of the auditor of the treasury for the Post-Office Department; and such transcript, when certified by said auditor under his seal of office, shall be admitted as evidence in the courts of the United States.

What shall be deemed embezzlement thereof; penalty therefor.

Evidence of embezzlement.

Certified transcript to be evidence of receipt of money.

Penalty for forging, &c., money-orders.

SEC. 12. *And be it further enacted*, That if any person shall falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or willingly aid, or assist in falsely making, forging, counterfeiting, engraving, or printing

any order in imitation of or purporting to be a money-order issued by one postmaster upon another postmaster; or shall falsely alter, or cause or procure to be altered, or willingly aid, or assist in falsely altering, any money-order issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any false, forged, or counterfeited order, purporting to be a money-order as aforesaid, knowing the same to be falsely forged or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered money-order, issued as aforesaid, knowing the same to be falsely altered, with an intent to defraud, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted, shall be sentenced to be imprisoned and kept at hard labor for a period of not less than three years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Penalty for altering,
for knowingly uttering.

SEC. 13. *And be it further enacted*, That for the purpose of carrying on the business of the money-order offices, and keeping and settling their accounts, the Postmaster-General may appoint, in his department, one superintendent of the money-order system, at an annual salary of twenty-five hundred dollars, and three clerks, to wit: one of class four and two of class three. And the Secretary of the Treasury may, from time to time, appoint in the office of the auditor of the treasury for the post-office department, the necessary clerks, in all not to exceed six, to wit: one of class four and five of class two. And to provide for the compensation of the said superintendent and clerks for the fiscal year ending June thirtieth, eighteen hundred and sixty-five, the sum of seventeen thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated. And the Postmaster-General is further authorized to cause such additional clerks to be employed in the money-order offices as he may find necessary for conducting the operations of the money-order system, whose compensation shall be paid out of the proceeds of the money-order business: *Provided, however*, That to meet any deficiency that may arise in the amount of such proceeds during the first year, the sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated.

Superintendent of money-order system and clerks may be appointed.

Salary.

Appropriation.

Additional clerks.

Appropriation.

APPROVED, May 17, 1864.

CHAP. LXXXIX. — *An Act to appoint certain Officers of the Navy.*

May 17, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for and during the present insurrection, the President, by and with the advice and consent of the Senate, is hereby authorized to appoint acting lieutenant commanders and acting commanders, who shall have the same rate of compensation as is allowed to officers of similar grade in the navy.

Acting lieutenant commanders and commanders may be appointed; — pay.

SEC. 2. *And be it further enacted*, That the proviso in section ten, chapter one hundred and eighty-three, of an act to establish and equalize the grade of line officers of the United States navy, approved July sixteenth, eighteen hundred and sixty-two, be, and the same is hereby, repealed, and that said section shall read as follows: —

Proviso in § 10 ch. 183, act of 1862 repealed.
Vol. xii. p. 584

Substitute therefor.

SEC. 3. *And be it further enacted*, That any person who shall have received, or shall hereafter receive, a temporary appointment as acting volunteer lieutenant or acting master in the navy, from civil life, authorized by act of congress of July twenty-fourth, eighteen hundred and sixty-one, may be confirmed in said appointment in the navy and placed in the line of promotion, from the date of said confirmation, if, upon the recommendation of the President, he receives the thanks of congress for highly meritorious conduct in conflict with the enemy. Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers or acting

Acting volunteer lieutenants and masters may be confirmed and put in line of promotion.

Seamen may be promoted and receive a gratuity and medal of honor.

masters' mates, as they may be best qualified, upon the recommendation of their commanding officer, approved by the flag-officer and the department. Upon such promotion, they shall receive a gratuity of one hundred dollars, and a medal of honor to be prepared by the navy department.

APPROVED, May 17, 1864.

May 20, 1864.

CHAP. XCII. — *An Act to organize a Regiment of Veteran Volunteer Engineers:*

Regiment of veteran volunteer engineers may be enlisted and organized.

1865, ch. 79,

§ 7. Post, p. 488.

1861, ch. 42,

§ 4. Vol. xii. p. 287.

Officers, appointment, commissions, pay, and allowances.

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 to enlist, out of any volunteer forces in the army of the Cumberland, that have served, or are now serving, as pioneers, pontoniers, or engineers, to serve wherever required for three years, or during the war, to consist of ten companies, and to have the same organization, pay, and emoluments as are allowed to engineer soldiers under the provisions of the fourth section of an act entitled "An act providing for the better organization of the military establishment," approved August third, eighteen hundred and sixty-one.

SEC. 2. *And be it further enacted,* That the officers of the engineers authorized to be raised under the provisions of the foregoing section shall be appointed and commissioned by the President of the United States, on the recommendation of the commander of the army of the Cumberland; and shall receive the same pay and allowances as engineer officers of similar grade in the regular army:

APPROVED, May 20, 1864.

May 21, 1864.

CHAP. XCIII. — *An Act making Appropriations for the Naval Service for the Year ending June thirtieth, eighteen hundred and sixty-five, and for other Purposes.*

Navy 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 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-five:—

Pay.

For pay of commission, warrant, and petty officers and seamen, including the engineer corps of the navy, nineteen millions four hundred and twenty-three thousand two hundred and forty-one dollars.

Repair, &c. of vessels.

For repair and maintenance of vessels of the navy, labor, materials, and stores, eleven millions five hundred thousand dollars.

Completion of steam screw sloops.

For the completion of sixteen fast steam screw sloops-of-war, seven millions two hundred thousand dollars.

Vessels for western waters; for naval and blockading purposes.

For the purchase, construction, and repairs of vessels, materials, and labor, for the western waters, four millions of dollars.

For the purchase and charter of vessels for naval and blockading purposes, three millions of dollars.

For extra labor, expense of repairs, and so forth, on foreign stations, six hundred thousand dollars.

Bounty.

For payment of the three months' bounty to seamen and ordinary seamen under the joint resolution of February twenty-fourth, eighteen hundred and sixty-four, five hundred thousand dollars.

Armored plated vessels.

For the completion of armored plated vessels, three million six hundred thousand dollars.

Hemp and fuel.

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

For fuel for the navy, and for the transportation and expenses thereof, three millions eight hundred and forty thousand dollars.

For the equipment of vessels in the navy, viz:—

Equipment.

For the purchase of various articles of equipment, viz: canvas, leather,

cables and anchors, and furniture, and stores in the masters', boatswains' and sailmakers' departments, three million dollars.

For provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea service, six million four hundred and fifteen thousand six hundred and five dollars.

Provisions.

For the construction, repair, wear and tear of machinery of vessels in commission, twenty-eight million three hundred and twelve thousand dollars.

Machinery.

For surgeons' necessaries and appliances for the sick and hurt of the navy, including the coast-survey and engineer and marine corps, two hundred and ten thousand dollars.

Surgeons' necessaries, &c.

For ordnance and ordnance stores, including labor and incidental expenses, eight million three hundred thousand dollars.

Ordnance and stores.

For navigation apparatus and supplies, and for purposes incidental to navigation, one hundred and twenty-six thousand dollars.

Navigation apparatus.

For contingent expenses of the navy, two hundred and fifty thousand dollars.

Contingencies.

For the purchase of nautical and astronomical instruments, books, maps, and charts; and for the repairs of instruments, and binding and backing books and charts, one hundred and one thousand and forty-two dollars.

Nautical, &c., instruments, books, charts, &c

For clothing for the navy, five hundred thousand dollars.

Clothing.

Bureau of Yards and Docks. — For contingent expenses that may accrue for the following purposes, viz: For freight and transportation; for printing, advertising, and stationery; for books, maps, models, and drawings; for the purchase and repair of fire-engines; for machinery of every description, and patent-right to use the same; for repairs of steam-engines and attendance; for purchase and maintenance of oxen and horses and driving teams; for carts, timber-wheels, and workmen's tools of every description for navy yard purposes; for telegrams, postage of letters on public service; for furniture for government offices and houses in the navy yards; for coals and other fuel; for candles, oil, and gas; for cleaning and clearing up yards; for flags, awning, and packing-boxes; for pay of watchmen; for incidental labor at navy yards not applicable to any other appropriation; for rent of landing at Portsmouth, New Hampshire; for tolls and ferriages; for water tax; and for rent of stores and rendezvous, one million three hundred and seventy thousand dollars.

Bureau of yards and docks,

Bureau of Equipment and Recruiting. — For contingent expenses that may accrue for the following purposes, viz: expenses of recruiting; travelling expenses of officers; transportation of men and materials; printing and stationery; advertising in newspapers; postage on public letters; wharfage and demurrage; funeral expenses; apprehending deserters; pilotage and towage of vessels, and assistance to vessels in distress; and for bills of health and quarantine expenses of vessels in the navy, one million two hundred and fifty thousand dollars.

of equipment and recruiting,

Bureau of Navigation. — For contingent expenses of the bureau of navigation, viz:

of navigation,

For freight and transportation of navigation materials, instruments, books, and stores; for postage on letters; for telegraphing on public business; for advertising for proposals; for packing-boxes and materials; for blank-books, forms, and stationery at navigation offices; for maps, charts, drawings, and models; and for incidental expenses not applicable to any other appropriation, one thousand five hundred dollars.

Bureau of Construction and Repair. — For contingent and incidental expenses, viz:

of construction and repair,

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

For postage, drawings, and transportation of materials, seventy-five thousand dollars.

Bureau of provisions and clothing,

of medicine and surgery,
of steam engineering.

Marine corps.

Bureau of Provisions and Clothing. — For contingent expenses, viz :

For candles, freight to foreign stations, transportation from station to station within the United States, cooerage, pay of assistants to inspectors, advertising for proposals, printing paymasters' blanks, and stationery for cruising vessels, five hundred thousand dollars.

Bureau of Medicine and Surgery. — For contingent expenses of the bureau of medicine and surgery, sixty thousand dollars.

Bureau of Steam Engineering. — For contingent expenses, viz :

For transportation of materials, printing, stationery, advertising, books, drawings, models, postages, and incidental expenses, twenty-five thousand dollars.

Marine Corps. — For pay of officers, non-commissioned officers, musicians, privates, clerks, messengers, steward and nurse and servants; for rations and clothing for officers' servants; additional rations to officers for five years' service; for undrawn clothing, and additional pay to musicians of the band, seven hundred and ninety-one thousand seven hundred and eighty-five dollars and eighty cents.

For provisions, one hundred and thirty-five thousand nine hundred and twenty-six dollars.

For clothing, two hundred and twenty-three thousand three hundred and ninety-eight dollars.

For fuel, thirty-one thousand four hundred and thirty dollars and seventy-five cents.

For military stores, viz : Pay of mechanics, repairs of arms, purchase of accoutrements, ordnance stores, flags, drums, fifes, and other instruments, fifteen thousand dollars.

For transportation of officers, their servants, troops, and expenses of recruiting, twenty-two thousand dollars.

For repairs of barracks, and rent of offices where there are no public buildings, eight thousand dollars.

For contingencies, viz : freight; ferriage; toll; cartage; wharfage; purchase and repair of boats; compensation to judge-advocates; 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; repairs of gas and water fixtures; water rent, forage, straw, barrack furniture; furniture for officers' quarters in the barracks; bed sacks, wrapping-paper, oil-cloth, crash, rope, twine, spades, shovels, axes, picks, carpenters' tools; keep of a horse for the messenger; pay of matron, washerwoman, and porter at the hospital head-quarters; repairs to fire-engine; purchase and repair of engine hose; purchase of lumber for benches, mess-tables, and bunks; repairs to public carryall; purchase and repair of harness; purchase and repair of handcarts and wheelbarrows; scavengering; purchase and repair of galleys, cooking-stoves, ranges; stoves where there are no grates; gravel for parade grounds; repair of pumps; furniture for staff and commanding officers' offices; brushes, brooms, buckets, paving, and for other purposes, forty-five thousand dollars.

For widening and improving the marine barracks, and officers' quarters at the navy yard, Portsmouth, New Hampshire, twenty-two thousand dollars.

For building marine barracks, at navy yard, Mare Island, California, thirty-nine thousand fifty-eight dollars and forty-four cents.

Navy yards.

Portsmouth.

NAVY YARDS.

Portsmouth, New Hampshire. — For plumbers, coppersmiths, and tin-shops, quay-walls, mooring-piers, iron store, extension of ship-house, machinery and tools, repairs on floating dock, barracks and guard-house, on Seavey's Island, and for repairs of all kinds, one hundred and fifty-one thousand nine hundred and thirty-five dollars.

- Boston.* — For additional amount for joiners' shop, additional amount for coal-house, extension of shear wharf, railroad tracks, and repairs of all kinds, one hundred and eighty-four thousand five hundred dollars. Navy Yards. Boston.
- New York.* — For dredging channels; quay-wall at saw-mills; new foundry; improvements on cob dock; improvements to dry dock; machine-shop extension; improvements of dry dock; quay-wall at new derrick; iron-plating shop; receiving store; iron fence in front of officers' houses; repairs of all kinds; machinery for iron-clad building; machinery for pattern, boiler, and machine-shop; machinery for new foundry; machinery for machine-shop extension; machinery for smithery, joiner, and oak shops; one six-ton, one four-ton, and one two-ton hammer, six hundred and sixty-nine thousand three hundred and fifteen dollars. New York.
- Philadelphia.* — For repairs of dry dock, pitch-house, dredging; repairs of damage to store by fire, and for repairs of all kinds — and for the purchase of two lots adjoining navy yard, Philadelphia, extending from Front Street to the commissioners' line in the Delaware river, at a price not exceeding ninety thousand dollars — two hundred and fourteen thousand nine hundred and forty-five dollars. Philadelphia.
- Washington, District of Columbia.* — For extension of copper rolling-mill; machinery and tools; storehouse for provisions and clothing; dredging channels; repairs of all kinds, and rail tracks in yard, one hundred and forty-nine thousand four hundred and sixty-five dollars. Washington.
- Norfolk.* — For repairs of victualling-house, boat-shed, blacksmith-shop, and tools; wharves, foundry, officers' quarters, boiler-shop, repairs of dry dock, engine-house, mast-house, and sail-loft; saw-mill and machinery; offices and storehouse and repairs of all kinds, two hundred and twenty-three thousand four hundred and thirty-three dollars. Norfolk.
- Pensacola.* — For repairs of all kinds, fifty thousand dollars. Pensacola.
- For machinery and materials for the repair of vessels at Pensacola, Ship Island, and New Orleans, one hundred thousand dollars.
- Mare Island.* — For continuation of grading and paving, ten thousand dollars; scows, lighter, and stages; foundry and machinery for same; machinery for saw-mill; continuing coal-shed and wharf; continuing seawall; steam hammer and tools for smithery; rigging and sail-loft; repairs of all kinds; excess of expenditure on wharf; guard-house; machinery for machine-shop, and gas-works, two hundred and twenty-four thousand five hundred and ninety-five dollars. Mare Island.

HOSPITALS.

- Boston.* — For remodelling old section of the hospital; heating and cooking and laundry apparatus; brick wall and iron gateways on Broadway; and repairs of building and improvement of grounds, seventeen thousand five hundred dollars. Hospitals. Boston.
- New York.* — For repairs and improvements of buildings and grounds, increase of apparatus in the laboratory, and repairs to heating-apparatus, nine thousand dollars. New York.
- Norfolk.* — For general improvement and repairs of building, ground, and wharves, five thousand dollars. Norfolk.
- Pensacola.* — For completion of extension of building, thirty thousand dollars. Pensacola.
- Memphis.* — For improvements and repairs of hospitals, seven thousand dollars. Memphis.
- New Orleans.* — For improvements and repairs of hospital, five thousand dollars. New Orleans.
- Mare Island, California.* — For completion of hospital, seventy-five thousand dollars. Mare Island.

MAGAZINES.

- Portsmouth.* — For howitzer and gun-equipment shed; machinery for Portsmouth. Magazines.

- Hospitals. ordnance building, and for fitting and furnishing new wing of ordnance building; grading grounds for repairs of ordnance buildings and railways, twenty thousand and fifty dollars.
- Boston. *Boston.* — For repairs of magazine and shell-houses at Chelsea, and powder-boat; repairs of ordnance store, shell-houses, and gun and shot parks; tools for gun-carriage shop; and for completing ordnance store, sixty-three thousand four hundred and thirty-nine dollars.
- New York. *New York.* — For machinery for repairing small arms; repairs to wharves and track on Ellis' island; sea-wall on north side of Ellis' island; repairs on magazine at Ellis' island; dredging at Ellis' island; and for repairs of all kinds, forty-two thousand dollars.
- Philadelphia. *Philadelphia.* — For repairs and alterations of ordnance storehouse and office; machinery and tools in ordnance workshops; and for magazine, wharf-buildings, and grounds, eight thousand one hundred and sixty-three dollars.
- Washington. *Washington.* — For repairs and improvements of the magazine, ordnance buildings, and grounds of the ordnance yard; erecting temporary sheds; additional ordnance machinery; and for continuing the new ordnance foundery, sixty-nine thousand dollars.
- Mare Island. *Mare Island, California.* — For two small magazines at north end of the yard; enlargement of shell-house; preparing gun park; building skids and shot beds; machinery and tools for ordnance shop; and for repairs on magazine buildings and pile wharf, twenty-nine thousand three hundred and sixty-eight dollars.

Miscellaneous.

MISCELLANEOUS.

- Civil establishments at Navy Yards. For pay of superintendents, naval constructors, and all the civil establishments of the several navy yards and stations, one hundred and twenty-five thousand six hundred and eighty-eight dollars; and the annual salary of the constructing engineer at Mare Island, California, shall be three thousand two hundred dollars, after the close of the present fiscal year.
- Naval Academy. For expenses of professors, watchmen, and others, and contingencies of the United States Naval Academy, one hundred and one thousand eight hundred and thirty-one dollars and fifty-five cents: *Provided*, That no money appropriated for the support of the naval academy shall be applied to the support of any midshipmen hereafter appointed not in strict conformance with the provisions of the law for appointing midshipmen to the naval academy.
- Proviso. For constructing coal-wharf at Key West, Florida, thirty-two thousand dollars.
- Key West. For altering coal-depot to storehouse at Key West, Florida, eighteen thousand dollars.
- For constructing railroad from naval wharf to coal-yards at Key West, Florida, ten thousand dollars.
- For the pay of mileage of visitors to the naval academy, two thousand dollars.

Naval observatory.

NAVAL OBSERVATORY.

- For pay of assistant astronomer, three aids, and clerk, eight thousand dollars, and four thousand dollars thereof shall be equally divided among the three aids as their salary.
- For wages of instrument maker, watchman, porter, and laborers; keeping grounds in order, and repairs to buildings and enclosures; fuel, lights, office furniture, and stationery; and for freight, transportation, postage, and incidental expenses, twelve thousand dollars.
- Nautical Almanac. For preparing for publication the American Nautical Almanac, twenty-five thousand eight hundred and fifty dollars.

NAVAL ASYLUM, PHILADELPHIA.

Naval asylum.

For furniture and repairs of same; house-cleaning and whitewashing; repairs to furnaces, grates, and ranges; gas and water rent; for hospital, and repairs of all kinds, five thousand two hundred dollars.

For the purchase and preparation of a site for a cemetery for the navy and marine corps, near Philadelphia, fifteen thousand dollars.

Cemetery.

For support of beneficiaries, thirty-two thousand dollars.

Beneficiaries.
Gratuities and medals.

For gratuities and medals of honor, five thousand dollars.

For bounties for destruction of enemies' vessels, as per "act of July seventeen, eighteen hundred and sixty-two, for the better government of the navy," two hundred and fifty thousand dollars.

Destruction of vessels.
1862, ch. 204,
§ 4.
Vol. xii. p. 606.

For pay of photographer, for ordnance bureau, three hundred dollars.

For compensation of petty officers, seamen, and others of the crew of the United States steamer Monitor, lost at sea December thirty, eighteen hundred and sixty-two, three thousand dollars.

Pay of officers, &c., of the Monitor;

For compensation of petty officers, seamen, and others of the crew of the United States steamer Cairo, lost in Yazoo river December twelve, eighteen hundred and sixty-two, eight thousand two hundred and fifty dollars.

the Cairo.

SEC. 2. *And be it further enacted*, That, out of the appropriation of seven hundred and fifty thousand dollars for a floating dry dock at navy yard, New York, provided for by the act making appropriations for the naval service of the United States, approved third March, eighteen hundred and sixty-three, the Secretary of the Navy be, and he is hereby, authorized to construct one or two dry docks, as he may deem expedient, at New York and Philadelphia, at two hundred and sixty thousand dollars each, and to expend the balance of said appropriation, if it shall be necessary, to enlarge the sectional docks to a capacity to receive the large vessels now building.

Two dry docks authorized.
Application of former appropriation.
1863, ch. 118,
Vol. xii. p. 817.

SEC. 3. *And be it further enacted*, That there shall be added three professors to the number of professors of mathematics now authorized by law, who shall be appointed and commissioned as now provided by law, and who shall be a professor of ethics and English studies, a professor of Spanish, and a professor of drawing, at the naval academy.

Additional professors at the naval academy.

SEC. 4. *And be it further enacted*, That the United States naval academy shall be returned to and established at the naval academy grounds in Annapolis, in the state of Maryland, before the commencement of the academic year eighteen hundred and sixty-five.

Naval academy to be returned to Annapolis.

APPROVED, May 21, 1864.

CHAP. XCIV.—*An Act to amend an Act entitled "An Act to enable the People of Nevada to form a Constitution and State Government, and for the Admission of such State into the Union on an equal Footing with the original States."*

May 21, 1864.
1864, ch. 36,
§ 5.
Ante, p. 31.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the fifth section of the act to which this act is an amendment as provides by ordinance for submitting the Constitution to the people of said state, for their ratification or rejection, at an election to be held on the second Tuesday of October, be so amended as to read "on the first Wednesday of September," and that the election for the purposes aforesaid be held on that day instead of the second Tuesday of October.

Constitution of Nevada to be submitted to popular vote on the first Wednesday of September.

APPROVED, May 21, 1864.

CHAP. XCV.—*An Act to provide a temporary Government for the Territory of Montana.*

May 26, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of

Territory of
Montana estab-
lished.

Boundaries.

Territory may
be divided,
boundaries
changed, &c.

Rights of In-
dians preserved.

Executive.
Governor, term
of office, power,
&c.;

to be superin-
tendent of Indian
affairs.

Secretary, resi-
dence, powers,
and duties.

the territory of the United States included within the limits, to wit: Commencing at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude; thence due west on said forty-fifth degree of latitude to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington; thence due south along said thirty-fourth degree of longitude to its intersection with the forty-fourth degree and thirty minutes of north latitude; thence due west along said forty-fourth degree and thirty minutes of north latitude to a point formed by its intersection with the crest of the Rocky Mountains; thence following the crest of the Rocky Mountains northward till its intersection with the Bitter Root Mountains; thence northward along the crest of said Bitter Root Mountains to its intersection with the thirty-ninth degree of longitude west from Washington; thence along said thirty-ninth degree of longitude northward to the boundary line of the British possessions; thence eastward along said boundary line to the twenty-seventh degree of longitude west from Washington; thence southward along said twenty-seventh degree of longitude to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Montana: *Provided*, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said territory or changing its boundaries in such manner and at such time as congress shall deem convenient and proper, or from attaching any portion of said territory to any other state or territory of the United States: *Provided, further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said territory so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribes, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Montana, until said tribe shall signify their assent to the President of the United States to be included within said territory, or to affect the authority of the government of the United States to make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent for the government to make if this act had never passed.

SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Montana shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside within said territory, and shall be commander-in-chief of the militia and superintendent of Indian affairs thereof. He may grant pardons and respites for offences against the laws of said territory, and reprieve for offences against the laws of the United States until the decision of the President of the United States can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said territory, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a secretary of said territory, who shall reside therein and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journals of the legislative assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each

year, to the President of the United States, and two copies of the laws to the president of the senate and to the speaker of the house of representatives, for the use of congress. And in case of the death, removal, resignation, or absence of the governor from the territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the governor during such vacancy or absence, or until another governor shall be duly appointed and qualified to fill such vacancy.

Secretary,
when to act as
governor.

SEC. 4. *And be it further enacted,* That the legislative power and authority of said territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The council shall consist of seven members, having the qualifications of voters, as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall, at its first session, consist of thirteen members, possessing the same qualifications as prescribed for the members of the council, and whose term of service shall continue one year. The number of representatives may be increased by the legislative assembly, from time to time, to twenty-six, in proportion to the increase of qualified voters; and the council, in like manner, to thirteen. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts for the election of the council and representatives, giving to each section of the territory representation in the ratio of its qualified voters as nearly as may be. And the members of the council and of the house of representatives shall reside in, and be inhabitants of, the district or county or counties for which they may be elected respectively. Previous to the first election the governor shall cause a census or enumeration of the inhabitants and qualified voters of the several counties and districts of the territory to be taken by such persons and in such mode as the governor shall designate and appoint, and the person so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the governor shall appoint and direct; and he shall at the same time declare the number of members of the council and house of representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of said council districts, respectively, for members of the council, shall be declared by the governor to be duly elected to the council; and the persons having the highest number of legal votes for the house of representatives in each of said representative districts, respectively, shall be declared by the governor to be duly elected members of said house: *Provided,* That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the legislative assembly, the governor shall order a new election. And the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor shall appoint; but thereafter the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the council and house of representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly. *Provided,* That no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days.

Legislative
power.
Assembly.
Council, num-
ber and qualifi-
cation of members,
and term, &c.
House of rep-
resentatives,
number, term,
&c.
Apportion-
ment.
Residence of
members.
First census.
First election.
Plurality of
votes to elect.
New election.
when ordered.
First meeting
of legislative
assembly.
Subsequent
meetings.
Length of ses-
sions.

SEC. 5. *And be it further enacted,* That all citizens of the United States, and those who have declared their intentions to become such, and who are otherwise described and qualified under the fifth section of the act of congress providing for a temporary government for the territory of Idaho, approved March third, eighteen hundred and sixty-three, shall

Voters at first
election.
1863, ch. 117, § 5.
Vol. xii. p. 310.

Voters at subsequent election.

Extent and limits of legislative power.

Veto power.

Slavery not permitted. 1862, ch. 111. Vol. xii. p. 432.

Township, district, and county officers.

Members of assembly not to hold certain offices.

Who not to be members of assembly or office-holders in the territory.

Judicial power. Supreme court.

District courts.

be entitled to vote at said first election, and shall be eligible to any office within the said territory; but the qualifications of voters, and of holding office, at all subsequent elections, shall be such as shall be prescribed by the legislative assembly.

SEC. 6. *And be it further enacted*, That the legislative power of the territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States, nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. Every bill which shall have passed the council and house of representatives of the said territory shall, before it becomes a law, be presented to the governor of the territory. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within three days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the assembly, by adjournment, prevent its return; in which case it shall not be a law: *Provided*, That whereas slavery is prohibited in said territory by act of congress of June nineteenth, eighteen hundred and sixty-two, nothing herein contained shall be construed to authorize or permit its existence therein.

SEC. 7. *And be it further enacted*, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislative assembly of the Territory of Montana. The governor shall nominate, and, by and with the advice and consent of the legislative council, appoint all officers not herein otherwise provided for; and in the first instance the governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the legislative assembly, and shall lay off the necessary districts for members of the council and house of representatives, and all other officers.

SEC. 8. *And be it further enacted*, That no member of the legislative assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first legislative assembly. And no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of said territory.

SEC. 9. *And be it further enacted*, That the judicial power of said territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief-justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said territory annually; and they shall hold their offices during the period of four years, and until their successors shall be appointed and qualified. The said territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in

the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of justices of the peace, shall be limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy when the title of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common-law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exceptions, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law. The supreme court, or the justices thereof, shall appoint its own clerk; and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the supreme court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witnesses, shall exceed one thousand dollars, except that a writ of error or appeal shall be allowed to the supreme court of the United States from the decision of the said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writs of habeas corpus involving the question of personal freedom. And each of the said district courts shall have and exercise the same jurisdiction, in all cases arising under the constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws; and writs of error and appeal in all such cases shall be made to the supreme court of said territory the same as in other cases. The said clerks shall receive, in all such cases, the same fees which the clerks of the district courts of Washington Territory now receive for similar services.

Jurisdiction.
 Probate courts, and justice of the peace.
 Chancery powers.
 Clerks of district court.
 Writs of error, exceptions, &c.
 Clerks of supreme court.
 Writs of error, &c., to supreme court of the United States.

Habeas corpus.
 Jurisdiction.

Fees of clerks.

SEC. 10. *And be it further enacted*, That there shall be appointed an attorney for said territory, who shall continue in office four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Washington. There shall also be a marshal for the territory appointed, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States. He shall perform the duties, be subject to the same regulations and penalties, and be entitled to the same fees as the marshal of the district court of the United States for the present Territory of Washington, and shall, in addition, be paid two hundred dollars annually as a compensation for extra services. There shall also be appointed by the President of the United States, by and with the advice and consent of the Senate, a surveyor-general for said territory, who shall locate his office at such place as the Secretary of the Interior shall from time to time direct, and whose duties, powers, obligations, responsibilities, compensation, and allowances for clerk-hire, office-rent, fuel, and incidental expenses, shall be the same as those of the surveyor-general of New Mexico, under the direction of the Secretary of the Interior, and such instructions as he may from time to time deem it advisable to give.

Attorney;
 fees and salary.
 Marshal;
 fees and salary.
 Surveyor-general;
 compensation and allowances.

Certain officers to be appointed by the President.

Oath of governor and secretary;

of judges and civil officers.

Oath of judges in Idaho.

Salaries.

Pay of members of legislative assembly.

Chief clerk and other officers of each house of the assembly.

Assembly to have but one session, unless, &c.

Annual appropriations to be made.

Disbursements of moneys.

SEC. 11. *And be it further enacted,* That the governor, secretary, chief justice, and associate justices, attorney, and marshal shall be appointed by the President of the United States, by and with the advice and consent of the Senate. The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively, take an oath or affirmation before the district judge, or some justice of the peace in the limits of said territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the supreme court of the United States, to support the constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all civil officers in said territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary, or some judge or justice of the peace of the territory who may be duly commissioned and qualified, or before the chief justice or some associate justice of the supreme court of the United States, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as aforesaid; and afterwards the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law. And any person who has heretofore been appointed chief justice or associate justice of the Territory of Idaho, who has not yet taken the oath of office, as prescribed by the act organizing said territory, may take said oath or affirmation before the chief justice or some associate justice of the supreme court of the United States. The governor shall receive an annual salary of two thousand five hundred dollars; the chief justice and associate justices shall receive an annual salary of two thousand five hundred dollars; the secretary shall receive an annual salary of two thousand dollars. The said salaries shall be paid quarter-yearly from the dates of the respective appointments at the treasury of the United States; but no payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the legislative assembly shall be entitled to receive four dollars each per day during their attendance at the sessions thereof, and four dollars each for every twenty miles' travel in going to and returning from said sessions, estimated according to the nearest usually travelled route; and an additional allowance of four dollars per day shall be paid to the presiding officer of each house for each day he shall so preside. And a chief clerk, one assistant clerk, one engrossing and one enrolling clerk, a sergeant-at-arms, and doorkeeper may be chosen for each house; and the chief clerk shall receive four dollars per day, and the said other officers three dollars per day during the session of the legislative assembly; but no other officers shall be paid by the United States: *Provided,* That there shall be but one session of the legislative assembly annually, unless, on an extraordinary occasion, the governor shall think proper to call the legislative assembly together. There shall be appropriated annually the usual sum, to be expended by the governor, to defray the contingent expenses of the territory, including the salary of the clerk of the executive department. And there shall also be appropriated annually a sufficient sum, to be expended by the secretary of the territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the legislative assembly, the printing of the laws, and other incidental expenses. And the governor and secretary of the territory shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall semi-annually account to the said secretary for the manner in which

the aforesaid moneys shall have been expended; and no expenditure shall be made by said legislative assembly for objects not specially authorized by the acts of congress making the appropriations, nor beyond the sums thus appropriated for such objects.

Expenditures by the legislative assembly.

SEC. 12. *And be it further enacted,* That the legislative assembly of the Territory of Montana shall hold its first session at such time and place in said territory as the governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government for said territory at such place as they may deem eligible: *Provided,* That the seat of government fixed by the governor and legislative assembly shall not be at any time changed except by an act of the said assembly duly passed, and which shall be approved, after due notice, at the first general election thereafter, by a majority of the legal votes cast on that question.

First session of assembly.

Seat of government.

SEC. 13. *And be it further enacted,* That a delegate to the house of representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other territories of the United States to the said house of representatives; but the delegate first elected shall hold his seat only during the term of the congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner, as the governor shall appoint and direct; and at all subsequent elections the time and places, and manner of holding the elections, shall be prescribed by law. The person having the greatest number of legal votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly. That the constitution and all laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said Territory of Montana as elsewhere within the United States.

Delegate in congress.

Plurality of votes to elect.

Constitution and laws of the United States to be in force.

SEC. 14. *And be it further enacted,* That when the lands in the said territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said territory and in the states and territories hereafter to be erected out of the same.

School lands.

SEC. 15. *And be it further enacted,* That, until otherwise provided by law, the governor of said territory may define the judicial districts of said territory, and assign the judges who may be appointed for said territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the legislative assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

Judicial districts.

SEC. 16. *And be it further enacted,* That all officers to be appointed by the President of the United States, by and with the advice and consent of the Senate, for the Territory of Montana, who, by virtue of the provisions of any law now existing, or which may be enacted by congress, are required to give security for moneys that may be intrusted with them for disbursement, shall give such security at such time and in such manner as the Secretary of the Treasury may prescribe.

Disbursing of officers to give security.

SEC. 17. *And be it further enacted,* That all treaties, laws, and other engagements made by the government of the United States with the Indian tribes inhabiting the territory embraced within the provisions of this act, shall be faithfully and rigidly observed, anything contained in this

Treaties with Indians to be observed.

Agencies and superintendencies to be continued.

act to the contrary notwithstanding; and that the existing agencies and superintendencies of said Indians be continued, with the same powers and duties which are now prescribed by law, except that the President of the United States may, at his discretion, change the location of the office of said agencies or superintendents.

Portion of Territory of Idaho made part of Dakota.

SEC. 18. *And be it further enacted*, That, until congress shall otherwise direct, all that part of the Territory of Idaho included within the following boundaries, to wit: Commencing at a point formed by the intersection of the thirty-third degree of longitude west from Washington with the forty-first degree of north latitude; thence along said thirty-third degree of longitude to the crest of the Rocky Mountains; thence northward along the said crest of the Rocky Mountains to its intersection with the forty-fourth degree and thirty minutes of north latitude; thence eastward along said forty-fourth degree thirty minutes north latitude to the thirty-fourth degree of longitude west from Washington; thence northward along said thirty-fourth degree of longitude to its intersection with the forty-fifth degree north latitude; thence eastward along said forty-fifth degree of north latitude to its intersection with the twenty-seventh degree of longitude west from Washington; thence south along said twenty-seventh degree of longitude west from Washington to the forty-first degree north latitude; thence west along said forty-first degree of latitude to the place of beginning, shall be, and is hereby, incorporated temporarily into and made part of the Territory of Dakota.

APPROVED, May 26, 1864.

May 26, 1864.

CHAP. XCVI.—*An Act for the Classification of the Clerks to Paymasters in the Navy, and graduating their Pay.*

Pay of clerks to paymasters in the navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the annual pay of clerks to paymasters in the navy shall be as follows, namely:—

Clerks to paymasters at the Boston, New York, Washington, and Philadelphia stations, twelve hundred dollars.

At other stations, one thousand dollars.

Clerks to inspectors in charge of provisions and clothing at Boston, New York, and Philadelphia, twelve hundred dollars.

At other inspections, one thousand dollars.

Clerks to paymasters in receiving-ships at Boston and New York, twelve hundred dollars.

In other receiving-ships, and in vessels of the first rate, and at the naval academy, one thousand dollars.

Clerks to fleet-paymasters and to paymasters of vessels of the second rate, eight hundred dollars.

Clerks to paymasters of vessels of the third rate, having complements of more than one hundred and seventy-five persons, and to paymasters of supply-steamers and store-vessels, seven hundred dollars: *Provided*, That no paymaster or assistant paymaster shall be allowed a clerk in a vessel having the complement of one hundred and seventy-five persons or less, excepting in supply-steamers and store-vessels: *And provided, further*, That nothing in this act shall be construed to alter the pay now allowed by law to the paymaster's clerk at Mare Island.

APPROVED, May 26, 1864.

Clerks not allowed to retain paymasters.

May 28, 1864.

1863, ch. 37.
Vol. xii. p. 652.

CHAP. XCVII.—*An Act making Appropriations for the Payment of the Awards made by the Commissioners appointed under and by virtue of an Act of Congress entitled "An Act for the Relief of Persons for Damages sustained by Reason of the Depredations and Injuries by certain Bands of Sioux Indians."* Approved, February sixteenth, eighteen hundred and sixty three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of nine hundred

and twenty-eight thousand four hundred and eleven 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, for the payment of the several amounts awarded by the commission appointed under and by virtue of an act of congress entitled "An act for the relief of persons for damages sustained by reason of the depredations and injuries by certain bands of Sioux Indians," approved February sixteen, eighteen hundred and sixty-three, to the several persons, firms, estates, and corporations, respectively, to whom such amounts were awarded by said commissioners, except the following persons, estates, and firms to whom awards were made as aforesaid, to wit: Antoine Roberts, J. C. Toberer, Gilbault and Company, W. L. Sumner, G. L. Mendelsohn, D. C. Marvin, Joseph Popp, B. Heinbach, W. W. Pendergast, Louis Theobald, J. and C. M. Dailey, B. H. Randall, Louis Robert, W. H. Forbes, estate of S. B. Garvie, deceased, A. Vajen and Brother, T. I. Pierce, estate of Francis Labathe, deceased, S. A. Hooper, estate of James C. Dickenson, deceased, Henry Apple, Theodore Crone, Charles Jacobs, F. Immel, H. C. Cooper, H. D. Cunningham, Joseph Descoteau, and Henry Behnke, which last claim is numbered 366 on the books of said commissioners.

Appropriations to pay awards of damages done by the Sioux Indians.

SEC. 2. *And be it further enacted*, That for the payment of so much of said awards made by said commissioners to the persons, firms, and estates specifically named in the first section of this act, as the Secretary of the Interior shall upon examination find to be due to them respectively, under said act approved February sixteen, anno Domini, eighteen hundred and sixty-three, the further sum of two hundred and forty-one thousand nine hundred and sixty-three 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. And the Secretary of the Interior is hereby authorized and directed to pay to the said several claimants, or to their attorneys heretofore or hereafter duly authorized, other than those claimants specifically named in the first section of this act, the several amounts as awarded by said commissioners, and also to pay the several sums he may find due, not exceeding the amounts respectively awarded by said commissioners to the said persons, firms, and estates so specifically named.

Appropriation to pay awards to persons, &c., specially named.

Secretary of Interior to pay claimants or their attorneys.

APPROVED, May 28, 1864.

CHAP. XCVIII.—*An Act authorizing the Establishment of Ocean Mail Steamship Service between the United States and Brazil.*

May 28, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be, and he is hereby, authorized to unite with the general post-office department of the empire of Brazil, or such officer of the government of Brazil as shall be authorized to act for that government, in establishing direct mail communication between the two countries by means of a monthly line of first-class American sea-going steamships, to be of not less than two thousand tons burden each, and of sufficient number to perform twelve round trips or voyages per annum between a port of the United States, north of the Potomac river, and Rio de Janeiro, in Brazil, touching at Saint Thomas, in the West Indies, at Bahia, Pernambuco, and such other Brazilian and intermediate port or ports as shall be considered necessary and expedient; *Provided*, That the expense of the service shall be divided between the two governments; and that the United States portion thereof shall not exceed the sum of one hundred and fifty thousand dollars for the performance of twelve round trips per annum, to be paid out of any money appropriated for the service of the post-office department.

Monthly mail communication between Brazil and the United States, by first-class sea-going steamships.

Route of voyage.

Expenses to be divided; share of the United States not to exceed, &c.

SEC. 2. *And be it further enacted*, That the Postmaster-General be, and he is hereby, authorized to invite proposals for said mail steamship

Postmaster to invite proposals, and contract

with lowest responsible bidder.

Proviso.

Proposals to be accepted by Brazil, &c.

Contract to go into effect before Sept. 1, 1865.

Stipulations of contract.

These steamships to be exempt from certain port-charges, &c., if, &c.

May 28, 1864.

Certain lands in Denver may be entered, for the use of the town, at the minimum price.

1844, ch. 17, Vol. v. p. 657.

service by public advertisement for the period of sixty days in one or more newspapers published in the cities of Washington, Baltimore, Philadelphia, New York, and Boston, respectively, and to contract with the lowest responsible bidder for the same for a term of ten years, to commence from the day the first steamship of the proposed line shall depart from the United States with the mails for Brazil: *Provided*, That proposals for monthly trips — that is to say, for twelve round voyages per annum, out and back — are received and accepted by him within the limit as aforesaid, from a party or parties of undoubted responsibility, possessing ample ability to furnish the steamships required for the service, and offering good and sufficient sureties for the faithful performance of such contract: *And provided, further*, That such proposals shall be accepted by the government of Brazil, and that distinct and separate contracts with each government, containing similar provisions, shall be executed by such accepted bidder or bidders; each government to be responsible only for its proportion of the subsidy to be paid for the service.

SEC. 3. *And be it further enacted*, That any contract which the Postmaster-General may execute under the authority of this act shall go into effect on or before the first day of September, one thousand eight hundred and sixty-five; and shall, in addition to the usual stipulations of ocean mail steamship contracts, provide that the steamships offered for the service shall be constructed of the best materials and after the most approved model, with all the modern improvements adapted for sea-going steamships of the first class; and shall, before their approval and acceptance by the Postmaster-General, be subject to inspection and survey by an experienced naval constructor, to be detailed for that purpose by the Secretary of the Navy, whose report shall be made to the Postmaster-General; that the two governments shall be entitled to have transported, free of expense, on each and every steamer, a mail-agent to take charge of and arrange the mail matter, to whom suitable accommodations for that purpose shall be assigned; that in case of failure from any cause to perform any of the regular monthly voyages stipulated for in the contract, a pro rata deduction shall be made from the compensation, on account of such omitted voyage or voyages; that suitable fines and penalties may be imposed for delays and irregularities in the regular performance of the service according to contract; and that the Postmaster-General shall have the power to determine the contract at any time, in case of its being underlet or assigned to any other party.

SEC. 4. *And be it further enacted*, That the mail steamships employed in the service authorized by this act shall be exempt from all port-charges and custom-house dues at the port of departure and arrival in the United States: *Provided*, That a similar immunity from port-charges and custom-house dues is granted by the government of Brazil.

APPROVED, May 28, 1864.

CHAP. XCIX. — *An Act for the Relief of the Citizens of Denver, in the Territory of Colorado.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an act of congress entitled "An act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances," approved May twenty-third, eighteen hundred and forty-four, be so extended as to authorize the probate judge of Arapahoe county, in the territory of Colorado, to enter, at the minimum price, in trust for the several use and benefit of the rightful occupants of said land and the bona fide owners of the improvements thereon, according to their respective interests, the following legal subdivisions of land, or such portions thereof as are settled and actually occupied for town purposes by the town of Denver aforesaid,

to wit: Section number thirty-three, and the west half of section number thirty-four, in township number three south of range number sixty-eight west of the sixth principal meridian: *Provided, however,* That there shall be reserved from such sale and entry such blocks or lots in the town of Denver as may be necessary for government purposes, to be designated by the commissioner of the general land-office.

Lots for government purposes to be reserved.

SEC. 2. *And be it further enacted,* That in all respects, except as herein modified, the execution of the foregoing provisions shall be controlled by the provisions of said act of twenty-third May, eighteen hundred and forty-four, and the rules and regulations of the commissioner of the general land-office.

Provisions of act of 1844, ch. 17, &c., otherwise to apply.

APPROVED, May 28, 1864.

CHAP. CI.—*An Act to provide for the Payment of the Claims of Peruvian Citizens, under the Convention between the United States and Peru, of the twelfth of January, eighteen hundred and sixty-three.*

June 1, 1864.

1864, ch. 138.
Post, p. 141.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of discharging the obligations of the United States, under the convention with Peru, of the twelfth of January last, there be paid to Stephen G. Montano, or to his legal representatives, in the current money of the United States, the sum of forty-one thousand seven hundred and eighty-two dollars and thirty-eight cents; and to Juan del Carmen Vergel, or his legal representatives, the sum of one thousand one hundred and seventy dollars, in the silver money of the United States, or its equivalent, out of any money in the treasury not otherwise appropriated.

Payments to Stephen G. Montano and Juan del Carmen Vergel.

APPROVED, June 1, 1864.

CHAP. CII.—*An Act in Relation to Franked Matter.*

June 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all communications relating to the official business of the department to which they are addressed, of whatever origin, addressed to the chiefs of the several executive departments of the government, or to such principal officers of each executive department, being heads of bureaus or chief clerks, or one duly authorized by the Postmaster-General to frank official matter, shall be received and conveyed by mail free of postage without being endorsed "official business," or with the name of the writer.

Official communications to heads of departments, &c., to be sent free of postage without endorsement.

APPROVED, June 1, 1864.

CHAP. CIII.—*An Act to amend an Act entitled "An Act making a Grant of Land[s] to the State of Iowa, in alternate Sections, to aid in the Construction of certain Railroads in said State," approved May fifteen, eighteen hundred and fifty-six.*

June 2, 1864.

1856, ch. 28.
Vol. x. p. 9.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mississippi and Missouri Railroad Company, a corporation established by the laws of the State of Iowa, and to which the said state granted a portion of the land-grant mentioned in the title of this act, to aid in the construction of a railroad from Davenport to Council Bluffs in said state, may modify or change the location of the uncompleted portion of its line, as shown by the map thereof now on file in the general land-office of the United States, so as to secure a better and more expeditious line for connection with the Iowa branch of the Union Pacific Railroad: *Provided, nevertheless,* That said new line, if located, shall in every case pass through the corporate limits of the cities of Des Moines and Council Bluffs; and the right of way over the public lands of the United States is hereby granted to said railroad company for that purpose: *Provided,* That said line shall pass through the town of Newton, in Jasper County or as near

The Mississippi and Missouri Railroad Company may change location of part of line.

New line to go through Des Moines and Council Bluffs; and Newton, if, &c.

said town as may be found practicable, and not further north of said town than the north line of section twenty-two, township eighty north, of range nineteen, according to the United States surveys, if the citizens of the county of Jasper shall first pay to said company the difference in cost, if any, between the line proposed by the company and the one contemplated by this proviso, including extra cost of right of way, if any, said difference in cost to be estimated by competent engineers to be selected by the parties.

Company to file map showing location.

Secretary of Interior to certify and convey lands to company.

Limits of selections.
Proviso.

The Burlington and Missouri River R. R. Co. to receive lands.

Limits of selections.

The Cedar Rapids and Missouri River R. R. Co. may change its location and have lands thereon.

SEC. 2. *And be it further enacted*, That whenever such new location shall have been established, the said railroad company shall file in the general land-office at Washington a map, definitely showing such new location; and the Secretary of the Interior shall cause to be certified and conveyed to said company from time to time, as the road progresses, out of any public lands now belonging to the United States not sold, reserved, or otherwise disposed of, or to which a preemption claim or right of homestead settlement has not attached, and on which a bona fide settlement and improvement has not been made under color of title derived from the United States or from the State of Iowa, within six miles of such newly located line, an amount of land per mile equal to that originally authorized to be granted to aid in the construction of said road by the act to which this is an amendment; and if the amount of land granted by the original act to aid in the construction of said railroad shall not be found within the limit of six miles from such line, then such selections may be made along such line within twenty miles thereof: *Provided*, That the said company shall not be entitled to, and shall not receive, any land under this grant which is situate within fifteen miles of the line of the Burlington and Missouri River Railroad, as indicated by the map of said road, now on file in the general land-office.

SEC. 3. *And be it further enacted*, That the Burlington and Missouri River Railroad Company, a corporation organized under the laws of the State of Iowa, and to which said state granted a portion of the land-grant mentioned in the title of this act to aid in the construction of a railroad from Burlington in said state to the Missouri River, shall be entitled to receive, and the Secretary of the Interior shall cause to be certified and conveyed to said company from time to time, as the road progresses, out of any public lands now belonging to the United States not sold, reserved, or otherwise disposed of, or to which a preemption claim or right of homestead settlement has not attached, and on which a bona fide settlement and improvement has not been made under color of title derived from the United States or from the State of Iowa, within six miles of said road, as now located, an amount of land per mile equal to that mentioned in the act to which this act is an amendment, as intended to aid in the construction of said road; and if the amount of land granted by the original act to aid in the construction of said road shall not be found within the limit of six miles from the line of said road, then such selections may be made along such line within twenty miles thereof.

SEC. 4. *And be it further enacted*, That the Cedar Rapids and Missouri River Railroad Company, a corporation established under the laws of the State of Iowa, and to which the said state granted a portion of the land mentioned in the title to this act, may modify or change the location of the uncompleted portion of its line, as shown by the map thereof now on file in the general land-office of the United States, so as to secure a better and more expeditious line to the Missouri River, and to a connection with the Iowa branch of the Union Pacific Railroad; and for the purpose of facilitating the more immediate construction of a line of railroads across the State of Iowa, to connect with the Iowa branch of the Union Pacific Railroad Company, aforesaid, the said Cedar Rapids and Missouri River Railroad Company is hereby authorized to connect its line by a branch with the line of the Mississippi and Missouri Railroad

Company ; and the said Cedar Rapids and Missouri River Railroad Company shall be entitled for such modified line to the same lands and to the same amount of lands per mile, and for such connecting branch the same amount of land per mile, as originally granted to aid in the construction of its main line, subject to the conditions and forfeitures mentioned in the original grant, and, for the said purpose, right of way through the public lands of the United States is hereby granted to said company. *And it is further provided,* That whenever said modified main line shall have been established or such connecting line located, the said Cedar Rapids and Missouri River Railroad Company shall file in the general land-office of the United States a map definitely showing such modified line and such connecting branch aforesaid ; and the Secretary of the Interior shall reserve and cause to be certified and conveyed to said company, from time to time, as the work progresses on the main line, out of any public lands now belonging to the United States, not sold, reserved, or otherwise disposed of, or to which a preemption right or right of homestead settlement has not attached, and on which a bona fide settlement and improvement has not been made under color of title derived from the United States or from the State of Iowa, within fifteen miles of the original main line, an amount of land equal to that originally authorized to be granted to aid in the construction of the said road by the act to which this is an amendment. And if the amount of lands per mile granted, or intended to be granted, by the original act to aid in the construction of said railroad shall not be found within the limits of the fifteen miles therein prescribed, then such selections may be made along said modified line and connecting branch within twenty miles thereof: *Provided, however,* That such new located or modified line shall pass through or near Boonsboro', in Boon County, and intersect the Boyer River not further south than a point at or near Dennison, in Crawford County: *And provided, further,* That in case the main line shall be so changed or modified as not to reach the Missouri River at or near the forty-second parallel north latitude, it shall be the duty of said company, within a reasonable time after the completion of its road to the Missouri River, to construct a branch road to some point in Monona County, in or at Onawa City ; and to aid in the construction of such branch the same amount of lands per mile are hereby granted as for the main line, and the same shall be reserved and certified in the same manner ; said lands to be selected from any of the unappropriated lands as hereinbefore described within twenty miles of said main line and branch ; and said company shall file with the Secretary of the Interior a map of the location of the said branch: *And provided, further,* That the lands hereby granted to aid in the construction of the connecting branch aforesaid shall not vest in said company nor be encumbered or disposed of except in the following manner : When the governor of the State of Iowa shall certify to the Secretary of the Interior that said company has completed in good running order a section of twenty consecutive miles of the main line of said road west of Nevada, then the secretary shall convey to said company one third, and no more, of the lands granted for said connecting branch. And when said company shall complete an additional section of twenty consecutive miles, and furnish the Secretary of the Interior with proof as aforesaid, then the said secretary may convey to the said company another third of the lands granted for said connecting branch ; and when said company shall complete an additional section of twenty miles, making in all sixty miles west of Nevada, the secretary, upon proof furnished as aforesaid, may convey to the said company the remainder of said lands to aid in the construction of said connecting branch : *Provided, however,* That no lands shall be conveyed to said company on account of said connecting branch road until the governor of the State of Iowa shall certify to the Secretary of the Interior that the same shall have been completed as a

Right of way granted.

Secretary of Interior to convey lands.

Limits of selections ;

of location of road.

Proviso in case the main line is changed.

Map of location to be filed.

Conditions of grant.

Proviso.

first-class railroad. And no land shall be conveyed to said company situate and lying within fifteen miles of the original line of the Mississippi and Missouri railroad, as laid down on a map on file in the general land-office: *Provided, further,* That it shall be the duty of the Secretary of the Interior, and he is hereby required, to reserve a quantity of land embraced in the grant described in this section, sufficient, in the opinion of the governor of Iowa, to secure the construction of a branch railroad from the town of Lyons, in the State of Iowa, so as to connect with the main line in or west of the town of Clinton in said state, until the governor of said state shall certify that said branch railroad is completed according to the requirements of the laws of said state: *Provided, further,* That nothing herein contained shall be so construed as to release said company from its obligation to complete the said main line within the time mentioned in the original grant: *Provided, further,* That nothing in this act shall be construed to interfere with, or in any manner, impair any rights acquired by any railroad company named in the act to which this is an amendment, or the rights of any corporation, person or persons, acquired through any such company; nor shall it be construed to impair any vested right of property, but such rights are hereby reserved and confirmed: *Provided, however,* That no lands shall be conveyed to any company or party whatsoever, under the provisions of this act and the act amended by this act, which have been settled upon and improved in good faith by a bona fide inhabitant, under color of title derived from the United States or from the State of Iowa adverse to the grant made by this act or the act to which this act is an amendment. But each of said companies may select an equal quantity of public lands as described in this act within the distance of twenty miles of the line of each of said roads in lieu of lands thus settled upon and improved by bona fide inhabitants in good faith under color of title as aforesaid.

Secretary of Interior to reserve certain lands.

Provisos.

Mississippi and Missouri R. R. Co. may assign the granted lands, if, &c.

Dubuque and Sioux City R. R. Co. may change their line.

Map to be filed.

Conditions of former act to apply to this, except, &c.

Lands hereby granted not to be certified until, &c.

Pub. Res. No. 34.
Post, p. 573.

SEC. 5. *And be it further enacted,* That the Mississippi and Missouri Railroad Company shall have the right to transfer and assign all or any part of the grant hereby made to said company to any other company, or person or persons, if, in the opinion of said company, the construction of the said railroad across the State of Iowa will be thereby sooner and more satisfactorily completed; but such assignee shall not in any case be released from the liabilities and conditions accompanying this grant, nor acquire perfect title in any other manner than the same would have been acquired by the grantee herein named: *Provided,* That said transfer and assignment shall first be authorized by the governor of the State of Iowa.

SEC. 6. *And be it further enacted,* That the Dubuque and Sioux City Railroad Company may so far change their line between Fort Dodge and Sioux City as to secure the best route between those points; said change shall not impair the right to, nor change the location of, their present land-grant. A map of the change shall be filed with the commissioner of the general land-office within one year after the passage of this act.

SEC. 7. *And be it further enacted,* That all of the conditions and limitations contained in the act to which this act is an amendment, and not expressly changed by this act, shall attach to and run with the grants made by this act, except as the said conditions and limitations have been modified, and may hereafter be modified, by the general assembly of the State of Iowa.

SEC. 8. *And be it further enacted,* That no lands hereby granted shall be certified to either of said companies until the governor of the State of Iowa shall certify to the Secretary of the Interior that the said company has completed, ready for the rolling stock, within one year from the first day of July next, a section of not less than twenty miles from the present terminus of the completed portion of said railroad, and in each year thereafter an additional section of twenty miles; but the number of sections per mile originally authorized shall be certified to each company, upon

proof as aforesaid of the completion of the additional sections of the road as aforesaid; and upon the failure of either company to complete either section as aforesaid, to be annually built, the portion of the land remaining uncertified shall become subject to the control and disposition of the legislature of the State of Iowa, to aid in the completion of such road.

SEC. 9. *And be it further enacted*, That all lands hereafter certified to either of the land-grant railroads in said state, and lying opposite any completed section of such road, shall be offered for sale by the company to which they shall be certified within three years from the completion of such section, if then certified; and if not, then within three years from the date of such certificate at reasonable prices; and if not all sold within that period then during the fourth year all such lands remaining unsold shall be exposed to public sale, after previous notice posted at the county seat of the county in which such lands shall be situated, to the highest bidder, and in tracts not exceeding one hundred and sixty acres each.

Lands hereafter certified, to be offered for sale within three years, &c.

When to be exposed to public sale.

APPROVED, June 2, 1864.

CHAP. CIV. — *An Act to incorporate the News-boys' Home.*

June 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Joseph Henry, J. W. Forney, Henry Beard, Sayles J. Bowen, and A. M. Gangwer, their associates and successors, being members of said society, by paying into its treasury the sum of two dollars annually, or life members, by paying fifty dollars at one time, are hereby incorporated and made a body politic, by the name of "The News-boys' Home of Washington City," for the purpose of providing lodgings, meals, and instruction to such homeless and indigent boys as may properly come under the charge of such association, to provide for them a suitable home, board, clothing, and instruction, and to bring them under Christian influence; and by that name shall have perpetual succession, with power to use a common seal, to sue and be sued, to plead and be impleaded in any court of competent jurisdiction within the District of Columbia, to collect subscriptions, make by-laws, rules, and regulations needful for the government of said corporation not inconsistent with the laws of the United States; to have, hold, and receive real estate by purchase, gift, or devise; to use, sell, or convey the same for the purposes and benefit of said corporation, and to choose such officers and teachers as may be necessary, prescribe their duties, and fix the rate of their compensation.

"The News-boys' Home of Washington city" incorporated.

Powers of corporation.

SEC. 2. *And be it further enacted*, That the officers of said association shall consist of a president, two vice-presidents, secretary, treasurer, and a board of managers, to be composed of fifteen members, the whole to constitute an executive committee, whose duty it shall be to carry into effect the plans and purposes for which said association was formed, all of which officers shall be elected on the first Tuesday in February in each year at the annual meeting of said association, which shall be held on said day; their successors shall be elected and hold their offices for the term of one year, and until their successors shall be duly elected. And in case of a vacancy it shall be filled by the other members of the executive committee.

Officers, &c.

APPROVED, June 2, 1864.

CHAP. CVI. — *An Act to provide a National Currency, secured by a Pledge of United States Bonds, and to provide for the Circulation and Redemption thereof.*

June 3, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the treasury department a separate bureau, which shall be charged with the execution of this and all other laws that may be passed by congress respecting the issue and regulation of a national currency

1865, ch. 78, §§ 6, 7.
Post, p. 484.
Currency bureau established.

secured by United States bonds. The chief officer of the said bureau shall be denominated the comptroller of the currency, and shall be under the general direction of the Secretary of the Treasury. He shall be appointed by the President, on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years unless sooner removed by the President, upon reasons to be communicated by him to the Senate; he shall receive an annual salary of five thousand dollars; he shall have a competent deputy, appointed by the secretary, whose salary shall be two thousand five hundred dollars, and who shall possess the power and perform the duties attached by law to the office of comptroller during a vacancy in such office and during his absence or inability; he shall employ, from time to time, the necessary clerks to discharge such duties as he shall direct, which clerks shall be appointed and classified by the Secretary of the Treasury in the manner now provided by law. Within fifteen days from the time of notice of his appointment the comptroller shall take and subscribe the oath of office prescribed by the constitution and laws of the United States; and he shall give to the United States a bond in the penalty of one hundred thousand dollars, with not less than two responsible sureties, to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office. The deputy-comptroller so appointed shall also take the oath of office prescribed by the constitution and laws of the United States, and shall give a like bond in the penalty of fifty thousand dollars. The comptroller and deputy-comptroller shall not, either directly or indirectly, be interested in any association issuing national currency under the provisions of this act.

SEC. 2. *And be it further enacted,* That the comptroller of the currency, with the approval of the Secretary of the Treasury, shall devise a seal, with suitable inscriptions, for his office, a description of which, with a certificate of approval by the Secretary of the Treasury, shall be filed in the office of the Secretary of State with an impression thereof, which shall thereupon become the seal of office of the comptroller of the currency, and the same may be renewed when necessary. Every certificate, assignment, and conveyance executed by the comptroller, in pursuance of any authority conferred on him by law, and sealed with his seal of office, shall be received in evidence in all places and courts whatsoever; and all copies of papers in the office of the comptroller, certified by him and authenticated by the said seal, shall in all cases be evidence equally and in like manner as the original. An impression of such seal directly on the paper shall be as valid as if made on wax or wafer.

SEC. 3. *And be it further enacted,* That there shall be assigned to the comptroller of the currency by the Secretary of the Treasury suitable rooms in the treasury building for conducting the business of the currency bureau, in which shall be safe and secure fire-proof vaults, in which it shall be the duty of the comptroller to deposit and safely keep all the plates not necessarily in the possession of engravers or printers, and other valuable things belonging to his department; and the comptroller shall from time to time furnish the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of the said business.

SEC. 4. *And be it further enacted,* That the term "United States Bonds," as used in this act, shall be construed to mean all registered bonds now issued, or that may hereafter be issued, on the faith of the United States by the Secretary of the Treasury in pursuance of law.

SEC. 5. *And be it further enacted,* That associations for carrying on the business of banking may be formed by any number of persons, not less in any case than five, who shall enter into articles of association, which shall specify in general terms the object for which the association is formed, and may contain any other provisions, not inconsistent with the pro-

Comptroller of the currency.

Appointment.

Term of office.

Salary.

Deputy comptroller.

Clerks.

Comptroller to take oath within what time.

Bond.

Oath and bond of deputy comptroller.

Not to be interested in any banking association.

Seal of currency bureau, and where to be kept.

Certain papers under such seal to be evidence.

Impression may be upon paper.

Rooms for currency bureau.

Fire-proof vaults.

Furniture, &c.

Term "United States Bonds" to include what.

Banking associations, how may be formed.

visions of this act, which the association may see fit to adopt for the regulation of the business of the association and the conduct of its affairs, which said articles shall be signed by the persons uniting to form the association, and a copy of them forwarded to the comptroller of the currency, to be filed and preserved in his office.

SEC. 6. *And be it further enacted*, That the persons uniting to form such an association shall, under their hands, make an organization certificate, which shall specify —

First. The name assumed by such association, which name shall be subject to the approval of the comptroller.

Second. The place where its operations of discount and deposit are to be carried on, designating the state, territory, or district, and also the particular county and city, town, or village.

Third. The amount of its capital stock, and the number of shares into which the same shall be divided.

Fourth. The names and places of residence of the shareholders, and the number of shares held by each of them.

Fifth. A declaration that said certificate is made to enable such persons to avail themselves of the advantages of this act.

The said certificate shall be acknowledged before a judge of some court of record or a notary public, and such certificate, with the acknowledgment thereof authenticated by the seal of such court or notary, shall be transmitted to the comptroller of the currency, who shall record and carefully preserve the same in his office. Copies of such certificate, duly certified by the comptroller, and authenticated by his seal of office, shall be legal and sufficient evidence in all courts and places within the United States, or the jurisdiction of the government thereof, of the existence of such association, and of every other matter or thing which could be proved by the production of the original certificate.

SEC. 7. *And be it further enacted*, That no association shall be organized under this act, with a less capital than one hundred thousand dollars, nor in a city whose population exceeds fifty thousand persons, with a less capital than two hundred thousand dollars: *Provided*, That banks with a capital of not less than fifty thousand dollars may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants.

SEC. 8. *And be it further enacted*, That every association formed pursuant to the provisions of this act shall, from the date of the execution of its organization certificate, be a body corporate, but shall transact no business except such as may be incidental to its organization and necessarily preliminary, until authorized by the comptroller of the currency to commence the business of banking. Such association shall have power to adopt a corporate seal, and shall have succession by the name designated in its organization certificate, for the period of twenty years from its organization, unless sooner dissolved according to the provisions of its articles of association, or by the act of its shareholders owning two thirds of its stock, or unless the franchise shall be forfeited by a violation of this act; by such name it may make contracts, sue and be sued, complain and defend, in any court of law and equity as fully as natural persons; it may elect or appoint directors, and by its board of directors appoint a president, vice-president, cashier, and other officers, define their duties, require bonds of them and fix the penalty thereof, dismiss said officers or any of them at pleasure, and appoint others to fill their places, and exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; by obtaining, issuing, and circulating notes according to the provisions of this act; and its board of directors shall

Organization certificate to specify,

name,

place of business,

capital and shares,

names, &c., of shareholders. purpose of certificate.

Certificate to be acknowledged.

Copies under seal to be evidence.

Amount of capital to be not less than, &c.

Proviso.

Associations when to be corporations and when to commence business.

Seal.

May continue twenty years, unless, &c.

General powers.

Directors and officers.

- By-laws.** also have power to define and regulate by by-laws, not inconsistent with the provisions of this act, the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and all the privileges granted by this act to associations organized under it shall be exercised and enjoyed; and its usual business shall be transacted at an office or banking house located in the place specified in its organization certificate.
- Directors; qualifications; one to be president.** SEC. 9. *And be it further enacted,* That the affairs of every association shall be managed by not less than five directors, one of whom shall be the president. Every director shall, during his whole term of service, be a citizen of the United States; and at least three fourths of the directors shall have resided in the state, territory, or district in which such association is located one year next preceding their election as directors, and be residents of the same during their continuance in office. Each director shall own, in his own right, at least ten shares of the capital stock of the association of which he is a director. Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such association, and will not knowingly violate, or willingly permit to be violated, any of the provisions of this act, and that he is the bona fide owner, in his own right, of the number of shares of stock required by this act, subscribed by him, or standing in his name on the books of the association, and that the same is not hypothecated, or in any way pledged, as security for any loan or debt; which oath, subscribed by himself, and certified by the officer before whom it is taken, shall be immediately transmitted to the comptroller of the currency, and by him filed and preserved in his office.
- Oath.**
- Term of office of directors.** SEC. 10. *And be it further enacted,* That the directors of any association first elected or appointed shall hold their places until their successors shall be elected and qualified. All subsequent elections shall be held annually on such day in the month of January as may be specified in the articles of association; and the directors so elected shall hold their places for one year, and until their successors are elected and qualified. But any director ceasing to be the owner of the requisite amount of stock, or having in any other manner become disqualified, shall thereby vacate his place. Any vacancy in the board shall be filled by appointment by the remaining directors, and any director so appointed shall hold his place until the next election. If from any cause an election of directors shall not be made at the time appointed, the association shall not for that cause be dissolved, but an election may be held on any subsequent day, thirty days' notice thereof in all cases having been given in a newspaper published in the city, town, or county in which the association is located; and if no newspaper is published in such city, town, or county, such notice shall be published in a newspaper published nearest thereto. If the articles of association do not fix the day on which the election shall be held, or if the election should not be held on the day fixed, the day for the election shall be designated by the board of directors in their by-laws, or otherwise: *Provided,* That if the directors fail to fix the day, as aforesaid, shareholders representing two thirds of the shares may.
- Elections.**
- Vacancies, how filled.**
- Voting and proxies.** SEC. 11. *And be it further enacted,* That in all elections of directors, and in deciding all questions at meetings of shareholders, each shareholder shall be entitled to one vote on each share of stock held by him. Shareholders may vote by proxies duly authorized in writing; but no officer, clerk, teller, or book-keeper of such association shall act as proxy; and no shareholder whose liability is past due and unpaid shall be allowed to vote.
- Capital stock to be divided into shares.** SEC. 12. *And be it further enacted,* That the capital stock of any association formed under this act shall be divided into shares of one hundred dollars each, and be deemed personal property and transferable on the

books of the association in such manner as may be prescribed in the by-laws or articles of association; and every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holder of such shares, and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired. The shareholders of each association formed under the provisions of this act, and of each existing bank or banking association that may accept the provisions of this act, shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares; except that shareholders of any banking association now existing under state laws, having not less than five millions of dollars of capital actually paid in, and a surplus of twenty per centum on hand, both to be determined by the comptroller of the currency, shall be liable only to the amount invested in their shares; and such surplus of twenty per centum shall be kept undiminished, and be in addition to the surplus provided for in this act; and if at any time there shall be a deficiency in said surplus of twenty per centum, the said banking association shall not pay any dividends to its shareholders until such deficiency shall be made good; and in case of such deficiency, the comptroller of the currency may compel said banking association to close its business and wind up its affairs under the provisions of this act. And the comptroller shall have authority to withhold from an association his certificate authorizing the commencement of business, whenever he shall have reason to suppose that the shareholders thereof have formed the same for any other than the legitimate objects contemplated by this act.

Transfer.

Rights of existing creditors not to be impaired.

Individual liability.

When comptroller may withhold certificate.

SEC. 13. *And be it further enacted*, That it shall be lawful for any association formed under this act, by its articles of association, to provide for an increase of its capital from time to time, as may be deemed expedient, subject to the limitations of this act: *Provided*, That the maximum of such increase in the articles of association shall be determined by the comptroller of the currency; and no increase of capital shall be valid until the whole amount of such increase shall be paid in, and notice thereof shall have been transmitted to the comptroller of the currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that it has been duly paid in as part of the capital of such association. And every association shall have power, by the vote of shareholders owning two thirds of its capital stock, to reduce the capital of such association to any sum not below the amount required by this act, in the formation of associations: *Provided*, That by no such reduction shall its capital be brought below the amount required by this act for its outstanding circulation, nor shall any such reduction be made until the amount of the proposed reduction has been reported to the comptroller of the currency and his approval thereof obtained.

Increase of capital stock.

Maximum.

Minimum.

SEC. 14. *And be it further enacted*, That at least fifty per centum of the capital stock of every association shall be paid in before it shall be authorized to commence business; and the remainder of the capital stock of such association shall be paid in instalments of at least ten per centum each on the whole amount of the capital as frequently as one instalment at the end of each succeeding month from the time it shall be authorized by the comptroller to commence business; and the payment of each instalment shall be certified to the comptroller, under oath, by the president or cashier of the association.

Amount to be paid in before commencing business.

Remainder, when to be paid.

SEC. 15. *And be it further enacted*, That if any shareholder, or his assignee, shall fail to pay any instalment on the stock when the same is required by the foregoing section to be paid, the directors of such association may sell the stock of such delinquent shareholder at public auction,

Proceedings, if shareholder fails to pay instalments.

Stock of delinquent shareholders to be sold.

having given three weeks' previous notice thereof in a newspaper published and of general circulation in the city or county where the association is located, and if no newspaper is published in said city or county, then in a newspaper published nearest thereto, to any person who will pay the highest price therefor, and not less than the amount then due thereon, with the expenses of advertisement and sale; and the excess, if any, shall be paid to the delinquent shareholder. If no bidder can be found who will pay for such stock the amount due thereon to the association, and the cost of advertisement and sale, the amount previously paid shall be forfeited to the association, and such stock shall be sold as the directors may order, within six months from the time of such forfeiture, and if not sold it shall be cancelled and deducted from the capital stock of the association; and if such cancellation and reduction shall reduce the capital of the association below the minimum of capital required by this act, the capital stock shall, within thirty days from the date of such cancellation, be increased to the requirements of the act; in default of which a receiver may be appointed to close up the business of the association according to the provisions of the fiftieth section of this act.

United States registered bonds to be deposited with treasurer to an amount equal to one third of the capital stock.

SEC. 16. *And be it further enacted,* That every association, after having complied with the provisions of this act, preliminary to the commencement of banking business under its provisions, and before it shall be authorized to commence business, shall transfer and deliver to the treasurer of the United States any United States registered bonds bearing interest to an amount not less than thirty thousand dollars nor less than one third of the capital stock paid in, which bonds shall be deposited with the treasurer of the United States and by him safely kept in his office until the same shall be otherwise disposed of, in pursuance of the provisions of this act; and the Secretary of the Treasury is hereby authorized to receive and cancel any United States coupon bonds, and to issue in lieu thereof registered bonds of like amount, bearing a like rate of interest, and having the same time to run; and the deposit of bonds shall be, by every association, increased as its capital may be paid up or increased, so that every association shall at all times have on deposit with the treasurer registered United States bonds to the amount of at least one third of its capital stock actually paid in: *Provided,* That nothing in this section shall prevent an association that may desire to reduce its capital or to close up its business and dissolve its organization from taking up its bonds upon returning to the comptroller its circulating notes in the proportion hereinafter named in this act, nor from taking up any excess of bonds beyond one third of its capital stock and upon which no circulating notes have been delivered.

Deposit to be increased;

may be diminished.

Comptroller to examine and determine if association can commence business.

SEC. 17. *And be it further enacted,* That whenever a certificate shall have been transmitted to the comptroller of the currency, as provided in this act, and the association transmitting the same shall notify the comptroller that at least fifty per centum of its capital stock has been paid in as aforesaid, and that such association has complied with all the provisions of this act as required to be complied with before such association shall be authorized to commence the business of banking, the comptroller shall examine into the condition of such association, ascertain especially the amount of money paid in on account of its capital, the name and place of residence of each of the directors of such association, and the amount of the capital stock of which each is the bona fide owner, and generally whether such association has complied with all the requirements of this act to entitle it to engage in the business of banking; and shall cause to be made and attested by the oaths of a majority of the directors and by the president or cashier of such association, a statement of all the facts necessary to enable the comptroller to determine whether such association is lawfully entitled to commence the business of banking under this act.

SEC. 18. *And be it further enacted,* That if, upon a careful examination

of the facts so reported, and of any other facts which may come to the knowledge of the comptroller, whether by means of a special commission appointed by him for the purpose of inquiring into the condition of such association, or otherwise, it shall appear that such association is lawfully entitled to commence the business of banking, the comptroller shall give to such association a certificate, under his hand and official seal, that such association has complied with all the provisions of this act required to be complied with before being entitled to commence the business of banking under it, and that such association is authorized to commence said business accordingly; and it shall be the duty of the association to cause said certificate to be published in some newspaper published in the city or county where the association is located for at least sixty days next after the issuing thereof: *Provided*, That if no newspaper is published in such city or county the certificate shall be published in a newspaper published nearest thereto.

When association is found entitled to commence business, comptroller to give certificate.

Certificate to be published.

SEC. 19. *And be it further enacted*, That all transfers of United States bonds which shall be made by any association under the provisions of this act shall be made to the treasurer of the United States in trust for the association, with a memorandum written or printed on each bond, and signed by the cashier or some other officer of the association making the deposit, a receipt therefor to be given to said association, or by the comptroller of the currency, or by a clerk appointed by him for that purpose, stating that it is held in trust for the association on whose behalf such transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bonds by the treasurer shall be deemed valid or of binding force and effect unless countersigned by the comptroller of the currency. It shall be the duty of the comptroller of the currency to keep in his office a book in which shall be entered the name of every association from whose accounts such transfer of bonds is made by the treasurer, and the name of the party to whom such transfer is made; and the par value of the bonds so transferred shall be entered therein; and it shall be the duty of the comptroller, immediately upon countersigning and entering the same, to advise by mail the association from whose account such transfer was made of the kind and numerical designation of the bonds and the amount thereof so transferred.

Transfers of bonds by association, to be made to the treasurer in trust.

How executed.

Comptroller to keep transfer book, &c.

SEC. 20. *And be it further enacted*, That it shall be the duty of the comptroller of the currency to countersign and enter in the book, in the manner aforesaid, every transfer or assignment of any bonds held by the treasurer presented for his signature; and the comptroller shall have at all times during office hours access to the books of the treasurer, for the purpose of ascertaining the correctness of the transfer or assignment presented to him to countersign; and the treasurer shall have the like access to the book above mentioned, kept by the comptroller, during office hours, to ascertain the correctness of the entries in the same; and the comptroller shall also at all times have access to the bonds on deposit with the treasurer, to ascertain their amount and condition.

Transfers to be countersigned and entered.

Books to be accessible.

SEC. 21. *And be it further enacted*, That upon the transfer and delivery of bonds to the treasurer, as provided in the foregoing section, the association making the same shall be entitled to receive from the comptroller of the currency circulating notes of different denominations, in blank, registered and countersigned as hereinafter provided, equal in amount to ninety per centum of the current market value of the United States bonds so transferred and delivered, but not exceeding ninety per centum of the amount of said bonds at the par value thereof, if bearing interest at a rate not less than five per centum per annum; and at no time shall the total amount of such notes, issued to any such association, exceed the amount at such time actually paid in of its capital stock.

Associations, after transfer, may receive circulating notes.

1865, ch. 82. Post, p. 498.

Limit of amount.

SEC. 22. *And be it further enacted*, That the entire amount of notes

Entire circulation not to exceed \$300,000,000.

Comptroller to prepare the notes.

Denominations.

Notes to express what.

Devices.

Notes under \$5.

When notes may be circulated as money;

to be received for all dues, except, &c.

Post notes, &c., not to be issued.

Worn-out and mutilated notes.

Associations to examine annually its bonds deposited, and make certificate.

for circulation to be issued under this act shall not exceed three hundred millions of dollars. In order to furnish suitable notes for circulation, the comptroller of the currency is hereby authorized and required, under the direction of the Secretary of the Treasury, to cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and to have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of one dollar, two dollars, three dollars, five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, five hundred dollars, and one thousand dollars, as may be required to supply, under this act, the associations entitled to receive the same; which notes shall express upon their face that they are secured by United States bonds, deposited with the treasurer of the United States by the written or engraved signatures of the treasurer and register, and by the imprint of the seal of the treasury; and shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signatures of the president or vice-president and cashier. And the said notes shall bear such devices and such other statements, and shall be in such form, as the Secretary of the Treasury shall, by regulation, direct: *Provided*, That not more than one sixth part of the notes furnished to an association shall be of a less denomination than five dollars, and that after specie payments shall be resumed no association shall be furnished with notes of a less denomination than five dollars.

SEC. 23. *And be it further enacted*, That after any such association shall have caused its promise to pay such notes on demand to be signed by the president or vice-president and cashier thereof, in such manner as to make them obligatory promissory notes, payable on demand, at its place of business, such association is hereby authorized to issue and circulate the same as money; and the same shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except for duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency. And no such association shall issue post notes or any other notes to circulate as money than such as are authorized by the foregoing provisions of this act.

SEC. 24. *And be it further enacted*, That it shall be the duty of the comptroller of the currency to receive worn-out or mutilated circulating notes issued by any such banking association, and also, on due proof of the destruction of any such circulating notes, to deliver in place thereof to such association other blank circulating notes to an equal amount. And such worn-out or mutilated notes, after a memorandum shall have been entered in the proper books, in accordance with such regulations as may be established by the comptroller, as well as all circulating notes which shall have been paid or surrendered to be cancelled, shall be burned to ashes in presence of four persons, one to be appointed by the Secretary of the Treasury, one by the comptroller of the currency, one by the treasurer of the United States, and one by the association, under such regulations as the Secretary of the Treasury may prescribe. And a certificate of such burning, signed by the parties so appointed, shall be made in the books of the comptroller, and a duplicate thereof forwarded to the association whose notes are thus cancelled.

SEC. 25. *And be it further enacted*, That it shall be the duty of every banking association having bonds deposited in the office of the treasurer of the United States, once or oftener in each fiscal year, and at such time or times during the ordinary business hours as said officer or officers may select, to examine and compare the bonds so pledged with the books of the comptroller and the accounts of the association, and, if found correct,

to execute to the said treasurer a certificate setting forth the different kinds and the amounts thereof, and that the same are in the possession and custody of the treasurer at the date of such certificate. Such examination may be made by an officer or agent of such association, duly appointed in writing for that purpose, whose certificate before mentioned shall be of like force and validity as if executed by such president or cashier; and a duplicate signed by the treasurer shall be retained by the association.

Examination of associations.

SEC. 26. *And be it further enacted*, That the bonds transferred to and deposited with the treasurer of the United States, as hereinbefore provided, by any banking association for the security of its circulating notes, shall be held exclusively for that purpose, until such notes shall be redeemed, except as provided in this act; but the comptroller of the currency shall give to any such banking association powers of attorney to receive and appropriate to its own use the interest on the bonds which it shall have so transferred to the treasurer; but such powers shall become inoperative whenever such banking association shall fail to redeem its circulating notes as aforesaid. Whenever the market or cash value of any bonds deposited with the treasurer of the United States, as aforesaid, shall be reduced below the amount of the circulation issued for the same, the comptroller of the currency is hereby authorized to demand and receive the amount of such depreciation in other United States bonds at cash value, or in money, from the association receiving said bills, to be deposited with the treasurer of the United States as long as such depreciation continues. And said comptroller, upon the terms prescribed by the Secretary of the Treasury, may permit an exchange to be made of any of the bonds deposited with the treasurer by an association for other bonds of the United States authorized by this act to be received as security for circulating notes, if he shall be of opinion that such an exchange can be made without prejudice to the United States, and he may direct the return of any of said bonds to the banking association which transferred the same, in sums of not less than one thousand dollars, upon the surrender to him and the cancellation of a proportionate amount of such circulating notes: *Provided*, That the remaining bonds which shall have been transferred by the banking association offering to surrender circulating notes shall be equal to the amount required for the circulating notes not surrendered by such banking association, and that the amount of bonds in the hands of the treasurer shall not be diminished below the amount required to be kept on deposit with him by this act: *And provided*, That there shall have been no failure by such association to redeem its circulating notes, and no other violation by such association of the provisions of this act, and that the market or cash value of the remaining bonds shall not be below the amount required for the circulation issued for the same.

Deposited bonds to be held exclusively to secure circulation.

Provision as to interest.

If bonds depreciate, security to be made good.

Bonds may be exchanged, if, &c.;

may be returned upon cancellation of circulating notes. *Proviso*.

SEC. 27. *And be it further enacted*, That it shall be unlawful for any officer acting under the provisions of this act to countersign or deliver to any association, or to any other company or person, any circulating notes contemplated by this act, except as hereinbefore provided, and in accordance with the true intent and meaning of this act. And any officer who shall violate the provisions of this section shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by fine not exceeding double the amount so countersigned and delivered, and imprisonment not less than one year and not exceeding fifteen years, at the discretion of the court in which he shall be tried.

The countersigning and delivery of circulating notes, except as permitted by this act, made unlawful.

Penalty.

SEC. 28. *And be it further enacted*, That it shall be lawful for any such association to purchase, hold, and convey real estate as follows:—

Associations may hold, &c., certain real estate.

First. Such as shall be necessary for its immediate accommodation in the transaction of its business.

Real estate.

Second. Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as it shall purchase at sales under judgments, decrees, or mortgages held by such association, or shall purchase to secure debts due to said association.

Such associations shall not purchase or hold real estate in any other case or for any other purpose than as specified in this section. Nor shall it hold the possession of any real estate under mortgage, or hold the title and possession of any real estate purchased to secure any debts due to it for a longer period than five years.

No person, &c., to be liable to association for more than, &c.

SEC. 29. *And be it further enacted*, That the total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one tenth part of the amount of the capital stock of such association actually paid in: *Provided*, That the discount of bona fide bills of exchange drawn against actually existing values, and the discount of commercial or business paper actually owned by the person or persons, corporation, or firm negotiating the same shall not be considered as money borrowed.

Certain discounts not to be included.

Rate of interest.

SEC. 30. *And be it further enacted*, That every association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidences of debt, interest at the rate allowed by the laws of the state or territory where the bank is located, and no more, except that where by the laws of any state a different rate is limited for banks of issue organized under state laws, the rate so limited shall be allowed for associations organized in any such state under this act. And when no rate is fixed by the laws of the state or territory, the bank may take, receive, reserve, or charge a rate not exceeding seven per centum, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run. And the knowingly taking, receiving, reserving, or charging a rate of interest greater than aforesaid shall be held and adjudged a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. And in case a greater rate of interest has been paid, the person or persons paying the same, or their legal representatives, may recover back, in any action of debt, twice the amount of the interest thus paid from the association taking or receiving the same: *Provided*, That such action is commenced within two years from the time the usurious transaction occurred. But the purchase, discount, or sale of a bona fide bill of exchange, payable at another place than the place of such purchase, discount, or sale, at not more than the current rate of exchange for sight drafts in addition to the interest, shall not be considered as taking or receiving a greater rate of interest.

Penalty for taking greater interest.

Action to be commenced in two years.

Amount of money to be kept on hand.

SEC. 31. *And be it further enacted*, That every association in the cities hereinafter named shall, at all times, have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of the aggregate amount of its notes in circulation and its deposits; and every other association shall, at all times, have on hand, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of its notes in circulation, and of its deposits. And whenever the lawful money of any association in any of the cities hereinafter named shall be below the amount of twenty-five per centum of its circulation and deposits, and whenever the lawful money of any other association shall be below fifteen per centum of its circulation and deposits, such associations shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits until

Liabilities not to be increased until reserve is made good.

the required proportion between the aggregate amount of its outstanding notes of circulation and deposits and its lawful money of the United States shall be restored: *Provided*, That three fifths of said fifteen per centum may consist of balances due to an association available for the redemption of its circulating notes from associations approved by the comptroller of the currency, organized under this act, in the cities of Saint Louis, Louisville, Chicago, Detroit, Milwaukee, New Orleans, Cincinnati, Cleveland, Pittsburg, Baltimore, Philadelphia, Boston, New York, Albany, Leavenworth, San Francisco, and Washington City: *Provided, also*, That clearing-house certificates, representing specie or lawful money specially deposited for the purpose of any clearing-house association, shall be deemed to be lawful money in the possession of any association belonging to such clearing-house holding and owning such certificate, and shall be considered to be a part of the lawful money which such association is required to have under the foregoing provisions of this section: *Provided*, That the cities of Charleston and Richmond may be added to the list of cities in the national associations of which other associations may keep three fifths of their lawful money, whenever, in the opinion of the comptroller of the currency, the condition of the southern states will warrant it. And it shall be competent for the comptroller of the currency to notify any association, whose lawful money reserve as aforesaid shall be below the amount to be kept on hand as aforesaid, to make good such reserve; and if such association shall fail for thirty days thereafter so to make good its reserve of lawful money of the United States, the comptroller may, with the concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of such association, as provided in this act.

Money deposited for redemption of circulation in certain cities to be included.

Clearing-house certificates to be deemed lawful money for this purpose.

Charleston and Richmond.

If association fails, after notice, to make good its reserve.

SEC. 32. *And be it further enacted*, That each association organized in any of the cities named in the foregoing section shall select, subject to the approval of the comptroller of the currency, an association in the city of New York, at which it will redeem its circulating notes at par. And each of such associations may keep one half of its lawful money reserve in cash deposits in the city of New York. And each association not organized within the cities named in the preceding section shall select, subject to the approval of the comptroller of the currency, an association in either of the cities named in the preceding section at which it will redeem its circulating notes at par, and the comptroller shall give public notice of the names of the associations so selected at which redemptions are to be made by the respective associations, and of any change that may be made of the association at which the notes of any association are redeemed. If any association shall fail either to make the selection or to redeem its notes as aforesaid, the comptroller of the currency may, upon receiving satisfactory evidence thereof, appoint a receiver, in the manner provided for in this act, to wind up its affairs: *Provided*, That nothing in this section shall relieve any association from its liability to redeem its circulating notes at its own counter, at par, in lawful money, on demand: *And provided, further*, That every association formed or existing under the provisions of this act shall take and receive at par, for any debt or liability to said association, any and all notes or bills issued by any association existing under and by virtue of this act.

Circulation to be redeemed in New York at par.

Certain associations to select place for redemption of circulation.

Proceedings in case of failure.

Each association to take notes of other associations.

SEC. 33. *And be it further enacted*, That the directors of any association may, semi-annually, each year, declare a dividend of so much of the nett profits of the association as they shall judge expedient; but each association shall, before the declaration of a dividend, carry one tenth part of its nett profits of the preceding half year to its surplus fund until the same shall amount to twenty per centum of its capital stock.

Dividends.

Surplus funds.

SEC. 34. *And be it further enacted*, That every association shall make to the comptroller of the currency a report, according to the form which may be prescribed by him, verified by the oath or affirmation of the pres-

Associations to report to comptroller quarterly.

Contents of re-ident or cashier of such association ; which report shall exhibit in detail, and under appropriate heads, the resources and liabilities of the association before the commencement of business on the morning of the first Monday of the months of January, April, July, and October of each year, and shall transmit the same to the comptroller within five days thereafter. And any bank failing to make and transmit such report shall be subject to a penalty of one hundred dollars for each day after five days that such report is delayed beyond that time. And the comptroller shall publish abstracts of said reports in a newspaper to be designated by him for that purpose in the city of Washington, and the separate report of each association shall be published in a newspaper in the place where such association is established, or if there be no newspaper at such place, then in a newspaper published at the nearest place thereto, at the expense of the association making such report. In addition to the quarterly reports required by this section, every association shall, on the first Tuesday of each month, make to the comptroller of the currency a statement, under the oath of the president or cashier, showing the condition of the association making such statement, on the morning of the day next preceding the date of such statement, in respect to the following items and particulars, to wit: average amount of loans and discounts, specie, and other lawful money belonging to the association, deposits, and circulation. And associations in other places than those cities named in the thirty-first section of this act shall also return the amount due them available for the redemption of their circulation.

Penalty for failing to report.

Comptroller to publish abstracts.

Monthly statements.

Associations not to make loans, &c., on the security of their own stock, &c.

SEC. 35. *And be it further enacted*, That no association shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith ; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale, in default of which a receiver may be appointed to close up the business of the association, according to the provisions of this act.

Indebtedness not to exceed capital stock, except, &c.

SEC. 36. *And be it further enacted*, That no association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on the following accounts, that is to say :—

First. On account of its notes of circulation.

Second. On account of moneys deposited with, or collected by, such association.

Third. On account of bills of exchange or drafts drawn against money actually on deposit to the credit of such association, or due thereto.

Fourth. On account of liabilities to its stockholders for dividends and reserved profits.

Associations not to hypothecate circulating notes, for, &c. ;

SEC. 37. *And be it further enacted*, That no association shall, either directly or indirectly, pledge or hypothecate any of its notes of circulation, for the purpose of procuring money to be paid in on its capital stock, or to be used in its banking operations, or otherwise ; nor shall any association use its circulating notes, or any part thereof, in any manner or form, to create or increase its capital stock.

not to withdraw any portion of their capital.

SEC. 38. *And be it further enacted*, That no association, or any member thereof, shall, during the time it shall continue its banking operations, withdraw, or permit to be withdrawn, either in form of dividends or otherwise, any portion of its capital. And if losses shall at any time have been sustained by any such association equal to or exceeding its undivided profits then on hand, no dividend shall be made ; and no dividend shall ever be made by any association, while it shall continue its banking operations, to an amount greater than its net profits then on hand, deducting therefrom its losses and bad debts. And all debts due to any

Losses.

Bad debts.

association, on which interest is past due and unpaid for a period of six months, unless the same shall be well secured, and shall be in process of collection, shall be considered bad debts within the meaning of this act: *Provided*, That nothing in this section shall prevent the reduction of the capital stock of the association under the thirteenth section of this act.

What to be deemed bad debts.

SEC. 39. *And be it further enacted*, That no association shall at any time pay out on loans or discounts, or in purchasing drafts or bills of exchange, or in payment of deposits, or in any other mode pay or put in circulation the notes of any bank or banking association which shall not, at any such time, be receivable, at par, on deposit and in payment of debts by the association so paying out or circulating such notes; nor shall it knowingly pay out or put in circulation any notes issued by any bank or banking association which at the time of such paying out or putting in circulation is not redeeming its circulating notes in lawful money of the United States.

Associations not to pay out certain notes.

SEC. 40. *And be it further enacted*, That the president and cashier of every such association shall cause to be kept at all times a full and correct list of the names and residences of all the shareholders in the association, and the number of shares held by each, in the office where its business is transacted; and such list shall be subject to the inspection of all the shareholders and creditors of the association, and the officers authorized to assess taxes under state authority, during business hours of each day in which business may be legally transacted; and a copy of such list, on the first Monday of July in each year, verified by the oath of such president or cashier, shall be transmitted to the comptroller of the currency.

List of names and residences of shareholders to be kept;

to be subject to inspection;

to be sent to comptroller.

SEC. 41. *And be it further enacted*, That the plates and special dies to be procured by the comptroller of the currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the provisions of this act respecting the procuring of such notes, and all other expenses of the bureau, shall be paid out of the proceeds of the taxes or duties now or hereafter to be assessed on the circulation, and collected from associations organized under this act. And in lieu of all existing taxes, every association shall pay to the treasurer of the United States, in the months of January and July, a duty of one half of one per centum each half year from and after the first day of January, eighteen hundred and sixty-four, upon the average amount of its notes in circulation, and a duty of one quarter of one per centum each half year upon the average amount of its deposits, and a duty of one quarter of one per centum each half year, as aforesaid, on the average amount of its capital stock beyond the amount invested in United States bonds; and in case of default in the payment thereof by any association, the duties aforesaid may be collected in the manner provided for the collection of United States duties of other corporations, or the treasurer may reserve the amount of said duties out of the interest, as it may become due, on the bonds deposited with him by such defaulting association. And it shall be the duty of each association, within ten days from the first days of January and July of each year, to make a return, under the oath of its president or cashier, to the treasurer of the United States, in such form as he may prescribe, of the average amount of its notes in circulation, and of the average amount of its deposits, and of the average amount of its capital stock, beyond the amount invested in United States bonds, for the six months next preceding said first days of January and July as aforesaid, and in default of such return, and for each default thereof, each defaulting association shall forfeit and pay to the United States the sum of two hundred dollars, to be collected either out of the interest as it may become due such association on the bonds deposited with the treasurer, or, at his option, in the manner in which penalties are to be collected of other corporations under the laws of the United States; and in case of such default the amount of the duties to be

Comptroller to keep control of plates and special dies.

Expenses to be borne by associations.

Duty upon circulation, deposits, and capital stock to be paid semi-annually.

How collected, if not paid in time.

Return of circulation, &c., to be made.

Penalty for default.

Shares not hereby exempted from taxation by state authority.

Limit of state tax.

Real estate to be taxed.

How associations may be closed.

Proceedings.

Treasurer to execute duplicate receipts.

Redeemed notes to be mutilated, &c.

State banks may become national associations.

paid by such association shall be assessed upon the amount of notes delivered to such association by the comptroller of the currency, and upon the highest amount of its deposits and capital stock, to be ascertained in such other manner as the treasurer may deem best: *Provided*, That nothing in this act shall be construed to prevent all the shares in any of the said associations, held by any person or body corporate, from being included in the valuation of the personal property of such person or corporation in the assessment of taxes imposed by or under state authority at the place where such bank is located, and not elsewhere, but not at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such state: *Provided, further*, That the tax so imposed under the laws of any state upon the shares of any of the associations authorized by this act shall not exceed the rate imposed upon the shares in any of the banks organized under authority of the state where such association is located: *Provided, also*, That nothing in this act shall exempt the real estate of associations from either state, county, or municipal taxes to the same extent, according to its value, as other real estate is taxed.

SEC. 42. *And be it further enacted*, That any association may go into liquidation and be closed by the vote of its shareholders owning two thirds of its stock. And whenever such vote shall be taken it shall be the duty of the board of directors to cause notice of this fact to be certified, under the seal of the association, by its president or cashier, to the comptroller of the currency, and publication thereof to be made for a period of two months in a newspaper published in the city of New York, and also in a newspaper published in a city or town in which the association is located, and if no newspaper be there published, then in the newspaper published nearest thereto, that said association is closing up its affairs, and notifying the holders of its notes and other creditors to present the notes and other claims against the association for payment. And at any time after the expiration of one year from the time of the publication of such notice as aforesaid, the said association may pay over to the treasurer of the United States the amount of its outstanding notes in the lawful money of the United States, and take up the bonds which said association has on deposit with the treasurer for the security of its circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of this act, and from that time the outstanding notes of said association shall be redeemed at the treasury of the United States, and the said association and the shareholders thereof shall be discharged from all liabilities therefor.

SEC. 43. *And be it further enacted*, That the treasurer, on receiving from an association lawful money for the payment and redemption of its outstanding notes, as provided for in the preceding section of this act, shall execute duplicate receipts therefor, one to the association and the other to the comptroller of the currency, stating the amount received by him, and the purpose for which it has been received, which amount shall be paid into the treasury of the United States, and placed to the credit of such association upon redemption account. And it shall be the duty of the treasurer, whenever he shall redeem any of the notes of said association, to cause the same to be mutilated, and charged to the redemption account of said association; and all notes so redeemed by the treasurer shall, every three months, be certified to and burned in the manner prescribed in the twenty-fourth section of this act.

SEC. 44. *And be it further enacted*, That any bank incorporated by special law, or any banking institution organized under a general law of any state, may, by authority of this act, become a national association under its provisions, by the name prescribed in its organization certificate; and in such case the articles of association and the organization certificate required by this act may be executed by a majority of the directors of the bank or banking institution; and said certificate shall de-

clare that the owners of two thirds of the capital stock have authorized the directors to make such certificate and to change and convert the said bank or banking institution into a national association under this act. And a majority of the directors, after executing said articles of association and organization certificate, shall have power to execute all other papers, and to do whatever may be required to make its organization perfect and complete as a national association. The shares of any such bank may continue to be for the same amount each as they were before said conversion, and the directors aforesaid may be the directors of the association until others are elected or appointed in accordance with the provisions of this act; and any state bank which is a stockholder in any other bank, by authority of state laws, may continue to hold its stock, although either bank, or both, may be organized under and have accepted the provisions of this act. When the comptroller shall give to such association a certificate, under his hand and official seal, that the provisions of this act have been complied with, and that it is authorized to commence the business of banking under it, the association shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects as are prescribed in this act for other associations organized under it, and shall be held and regarded as an association under this act: *Provided, however,* That no such association shall have a less capital than the amount prescribed for banking associations under this act.

Mode of procedure.

SEC. 45. *And be it further enacted,* That all associations under this act, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the government; and they shall perform all such reasonable duties, as depositaries of public moneys and financial agents of the government, as may be required of them. And the Secretary of the Treasury shall require of the associations thus designated satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the government: *Provided,* That every association which shall be selected and designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid in to the government for internal revenue, or for loans or stocks.

Associations, when so designated, may be depositaries of public moneys, except, &c.;

may be financial agents.

Designated depositaries to pay promptly;

to receive national currency bills at par.

SEC. 46. *And be it further enacted,* That if any such association shall at any time fail to redeem, in the lawful money of the United States, any of its circulating notes, when payment thereof shall be lawfully demanded, during the usual hours of business, at the office of such association, or at its place of redemption aforesaid, the holder may cause the same to be protested, in one package, by a notary-public, unless the president or cashier of the association whose notes are presented for payment, or the president or cashier of the association at the place at which they are redeemable, shall offer to waive demand and notice of the protest, and shall, in pursuance of such offer, make, sign, and deliver to the party making such demand an admission in writing, stating the time of the demand, the amount demanded, and the fact of the non-payment thereof; and such notary-public, on making such protest, or upon receiving such admission, shall forthwith forward such admission or notice of protest to the comptroller of the currency, retaining a copy thereof. And after such default, on examination of the facts by the comptroller, and notice by him to the association, it shall not be lawful for the association suffering the same to pay out any of its notes, discount any notes or bills, or otherwise prosecute the business of banking, except to receive and safely keep money belonging to it, and to deliver special deposites: *Provided,* That if

If associations fail to redeem their circulation, the notes may be protested, unless, &c.

Notice of protest, &c., to be forwarded to comptroller.

Association not to do business further, except, &c.

Notes not to be protested in certain cases.

Fees of notary.

Upon notice of failure to redeem circulation, comptroller to send special agent to ascertain facts,

when to declare securities forfeited,

to notify holders of notes to present them for payment,

to pay notes and cancel bonds.

The United States to have priority of lien upon assets for any deficiency in redemption of circulation.

Bonds pledged as security may be sold at auction;

or at private sale.

Proviso.

satisfactory proof be produced to such notary-public that the payment of any such notes is restrained by order of any court of competent jurisdiction, such notary-public shall not protest the same; and when the holder of such notes shall cause more than one note or package to be protested on the same day, he shall not receive pay for more than one protest.

SEC. 47. *And be it further enacted*, That on receiving notice that any such association has failed to redeem any of its circulating notes, as specified in the next preceding section, the comptroller of the currency, with the concurrence of the Secretary of the Treasury, may appoint a special agent (of whose appointment immediate notice shall be given to such association) who shall immediately proceed to ascertain whether such association has refused to pay its circulating notes in the lawful money of the United States, when demanded as aforesaid, and report to the comptroller the fact so ascertained; and if, from such protest or the report so made, the comptroller shall be satisfied that such association has refused to pay its circulating notes as aforesaid and is in default, he shall, within thirty days after he shall have received notice of such failure, declare the United States bonds and securities pledged by such association forfeited to the United States, and the same shall thereupon be forfeited accordingly. And thereupon the comptroller shall immediately give notice in such manner as the Secretary of the Treasury shall, by general rules or otherwise, direct, to the holders of the circulating notes of such association to present them for payment at the treasury of the United States, and the same shall be paid as presented in lawful money of the United States; whereupon said comptroller may, in his discretion, cancel an amount of bonds pledged by such association equal at current market rates, not exceeding par, to the notes paid. And it shall be lawful for the Secretary of the Treasury, from time to time, to make such regulations respecting the disposition to be made of such circulating notes after presentation thereof for payment as aforesaid, and respecting the perpetuation of the evidence of the payment thereof as may seem to him proper; but all such notes, on being paid, shall be cancelled. And for any deficiency in the proceeds of the bonds pledged by such association, when disposed of as hereinafter specified, to reimburse to the United States the amount so expended in paying the circulating notes of such association, the United States shall have a first and paramount lien upon all the assets of such association; and such deficiency shall be made good out of such assets in preference to any and all other claims whatsoever, except the necessary costs and expenses of administering the same.

SEC. 48. *And be it further enacted*, That whenever the comptroller shall become satisfied, as in the last preceding section specified, that any association has refused to pay its circulating notes as therein mentioned, he may, instead of cancelling the United States bonds pledged by such association, as provided in the next preceding section, cause so much of them as may be necessary to redeem the outstanding circulating notes of such association to be sold at public auction in the city of New York, after giving thirty days' notice of such sale to such association.

SEC. 49. *And be it further enacted*, That the comptroller of the currency may, if he shall be of opinion that the interests of the United States will be best promoted thereby, sell at private sale any of the bonds pledged by such association, and receive therefor either money or the circulating notes of such failing association: *Provided*, That no such bonds shall be sold by private sale for less than par, nor less than the market value thereof at the time of sale: *And provided, further*, That no sales of any such bonds, either public or private, shall be complete until the transfer thereof shall have been made with the formalities prescribed in this act.

SEC. 50. *And be it further enacted*, That on becoming satisfied, as specified in this act, that any association has refused to pay its circulating

notes as therein mentioned, and is in default, the comptroller of the currency may forthwith appoint a receiver, and require of him such bond and security as he shall deem proper, who, under the direction of the comptroller, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to such association, and, upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like order, sell all the real and personal property of such association, on such terms as the court shall direct; and may, if necessary to pay the debts of such association, enforce the individual liability of the stockholders provided for by the twelfth section of this act; and such receiver shall pay over all money so made to the treasurer of the United States, subject to the order of the comptroller of the currency, and also make report to the comptroller of the currency of all his acts and proceedings. The comptroller shall thereupon cause notice to be given, by advertisement in such newspapers as he may direct, for three consecutive months, calling on all persons who may have claims against such association to present the same, and to make legal proof thereof. And from time to time the comptroller, after full provision shall have been first made for refunding to the United States any such deficiency in redeeming the notes of such association as is mentioned in this act, shall make a ratable dividend of the money so paid over to him by such receiver on all such claims as may have been proved to his satisfaction or adjudicated in a court of competent jurisdiction; and from time to time, as the proceeds of the assets of such association shall be paid over to him, he shall make further dividends, as aforesaid, on all claims previously proved or adjudicated; and the remainder of such proceeds, if any, shall be paid over to the shareholders of such association, or their legal representatives, in proportion to the stock by them respectively held: *Provided, however,* That if such association against which proceedings have been so instituted, on account of any alleged refusal to redeem its circulating notes as aforesaid, shall deny having failed to do so, such association may, at any time within ten days after such association shall have been notified of the appointment of an agent, as provided in this act, apply to the nearest circuit, or district, or territorial court of the United States, to enjoin further proceedings in the premises; and such court, after citing the comptroller of the currency to show cause why further proceedings should not be enjoined, and after the decision of the court or finding of a jury that such association has not refused to redeem its circulating notes, when legally presented, in the lawful money of the United States, shall make an order enjoining the comptroller, and any receiver acting under his direction, from all further proceedings on account of such alleged refusal.

Comptroller may appoint a receiver to close affairs of defaulting association.

Bond and duties of receiver, &c.

If association denies that it has failed to redeem its notes, it may apply to the courts for an injunction.

Proceedings.

Fees for protest and other expenses, how to be paid.

SEC. 51. *And be it further enacted,* That all fees for protesting the notes issued by any such banking association shall be paid by the person procuring the protest to be made, and such banking association shall be liable therefor; but no part of the bonds pledged by such banking association, as aforesaid, shall be applied to the payment of such fees. And all expenses of any preliminary or other examinations into the condition of any association shall be paid by such association; and all expenses of any receivership shall be paid out of the assets of such association before distribution of the proceeds thereof.

SEC. 52. *And be it further enacted,* That all transfer of the notes, bonds, bills of exchange, and other evidences of debt owing to any association, or of deposits to its credit; all assignments of mortgages, sureties on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its shareholders or creditors; and all payments of money to either, made after the commission of an act of insolvency, or in contemplation

Transfers, assignments, &c., in contemplation of insolvency, &c., to be void.

thereof, with a view to prevent the application of its assets in the manner prescribed by this act, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be utterly null and void.

Penalty upon directors for violations of this act.

Violation, how to be determined.

Personal liability.

Comptroller may appoint person to examine the affairs of any association.

Duty of such examiner.

Pay.

Penalty upon officers, &c., of association for embezzlement, &c., of funds.

District attorneys to conduct certain suits.

In what courts, suits, &c., under this act may be prosecuted.

SEC. 53. *And be it further enacted*, That if the directors of any association shall knowingly violate, or knowingly permit any of the officers, agents, or servants of the association to violate any of the provisions of this act, all the rights, privileges, and franchises of the association derived from this act shall be thereby forfeited. Such violation shall, however, be determined and adjudged by a proper circuit, district, or territorial court of the United States, in a suit brought for that purpose by the comptroller of the currency, in his own name, before the association shall be declared dissolved. And in cases of such violation, every director who participated in or assented to the same shall be held liable in his personal and individual capacity for all damages which the association, its shareholders, or any other person, shall have sustained in consequence of such violation.

SEC. 54. *And be it further enacted*, That the comptroller of the currency, with the approbation of the Secretary of the Treasury, as often as shall be deemed necessary or proper, shall appoint a suitable person or persons to make an examination of the affairs of every banking association, which person shall not be a director or other officer in any association whose affairs he shall be appointed to examine, and who shall have power to make a thorough examination into all the affairs of the association, and, in doing so, to examine any of the officers and agents thereof on oath; and shall make a full and detailed report of the condition of the association to the comptroller. And the association shall not be subject to any other visitatorial powers than such as are authorized by this act, except such as are vested in the several courts of law and chancery. And every person appointed to make such examination shall receive for his services at the rate of five dollars for each day by him employed in such examination, and two dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the association by him examined.

SEC. 55. *And be it further enacted*, That every president, director, cashier, teller, clerk, or agent of any association, who shall embezzle, abstract, or wilfully misapply any of the moneys, funds, or credits of the association, or shall, without authority from the directors, issue or put in circulation any of the notes of the association, or shall, without such authority, issue or put forth any certificate of deposit, draw any order or bill of exchange, make any acceptance, assign any note, bond, draft, bill of exchange, mortgage, judgment, or decree, or shall make any false entry in any book, report, or statement of the association, with intent, in either case, to injure or defraud the association or any other company, body politic or corporate, or any individual person, or to deceive any officer of the association, or any agent appointed to examine the affairs of any such association, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not less than five nor more than ten years.

SEC. 56. *And be it further enacted*, That all suits and proceedings arising out of the provisions of this act, in which the United States or its officers or agents shall be parties, shall be conducted by the district attorneys of the several districts, under the direction and supervision of the solicitor of the treasury.

SEC. 57. *And be it further enacted*, That suits, actions, and proceedings, against any association under this act, may be had in any circuit, district, or territorial court of the United States held within the district in which such association may be established; or in any state, county, or municipal court in the county or city in which said association is located,

having jurisdiction in similar cases: *Provided, however,* That all proceedings to enjoin the comptroller under this act shall be had in a circuit, district, or territorial court of the United States, held in the district in which the association is located.

Proceedings for injunctions to be in what courts.

SEC. 58. *And be it further enacted,* That every person who shall mutilate, cut, deface, disfigure, or perforate with holes, or shall unite or cement together, or do any other thing to any bank bill, draft, note, or other evidence of debt, issued by any such association, or shall cause or procure the same to be done, with intent to render such bank bill, draft, note, or other evidence of debt unfit to be reissued by said association, shall, upon conviction, forfeit fifty dollars to the association who shall be injured thereby, to be recovered by action in any court having jurisdiction.

Penalty for mutilating notes to make them unfit for reissue.

SEC. 59. *And be it further enacted,* That if any person shall falsely make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any note in imitation of, or purporting to be in imitation of, the circulating notes issued under the provisions of this act, or shall pass, utter, or publish, or attempt to pass, utter, or publish, any false, forged, or counterfeited note, purporting to be issued by any association doing a banking business under the provisions of this act, knowing the same to be falsely made, forged, or counterfeited, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering, any such circulating notes, issued as aforesaid, or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered or spurious circulating note issued, or purporting to have been issued, as aforesaid, knowing the same to be falsely altered or spurious, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law shall be sentenced to be imprisoned and kept at hard labor for a period of not less than five years, nor more than fifteen years, and fined in a sum not exceeding one thousand dollars.

Penalty for counterfeiting notes,

for knowingly uttering, &c.

SEC. 60. *And be it further enacted,* That if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession any plate, die, or block after the similitude of any plate, die, or block from which any circulating notes issued as aforesaid shall have been prepared or printed, with intent to use such plate, die, or block, or cause or suffer the same to be used, in forging or counterfeiting any of the notes issued as aforesaid, or shall have in his custody or possession any blank note or notes engraved and printed after the similitude of any notes issued as aforesaid, with intent to use such blanks, or cause or suffer the same to be used, in forging or counterfeiting any of the notes issued as aforesaid, or shall have in his custody or possession any paper adapted to the making of such notes, and similar to the paper upon which any such notes shall have been issued, with intent to use such paper, or cause or suffer the same to be used, in forging or counterfeiting any of the notes issued as aforesaid, every such person, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a term not less than five or more than fifteen years, and fined in a sum not exceeding one thousand dollars.

for engraving, &c., plates for forging notes, &c.

for having blank notes, &c., with intent,

for having paper, &c.

SEC. 61. *And be it further enacted,* That it shall be the duty of the comptroller of the currency to report annually to congress at the commencement of its session —

Comptroller to report annually to congress.

First. A summary of the state and condition of every association from whom reports have been received the preceding year, at the several dates to which such reports refer, with an abstract of the whole amount of banking capital returned by them, of the whole amount of their debts and liabilities, the amount of circulating notes outstanding, and the total amount of means and resources, specifying the amount of lawful money held by them at the times of their several returns, and such other in-

Contents of report.

Contents of
comptroller's re-
port to congress.

formation in relation to said associations as, in his judgment, may be useful.

Second. A statement of the associations whose business has been closed during the year, with the amount of their circulation redeemed and the amount outstanding.

Third. Any amendment to the laws relative to banking by which the system may be improved, and the security of the holders of its notes and other creditors may be increased.

Fourth. The names and compensation of the clerks employed by him, and the whole amount of the expenses of the banking department during the year. And such report shall be made by or before the first day of December in each year, and the usual number of copies for the use of the senate and house, and one thousand copies for the use of the department, shall be printed by the public printer and in readiness for distribution at the first meeting of congress.

Repeal of act
of 1863, ch. 58.
Vol. xii. p. 665.

SEC. 62. *And be it further enacted*, That the act entitled "An act to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof," approved February twenty-fifth, eighteen hundred and sixty-three, is hereby repealed: *Provided*, That such repeal shall not affect any appointments made, acts done, or proceedings had, or the organization, acts, or proceedings of any association organized or in the process of organization under the act aforesaid: *And provided, also*. That all such associations so organized or in process of organization shall enjoy all the rights and privileges granted, and be subject to all the duties, liabilities, and restrictions imposed by this act, and with the approval of the comptroller of the currency, in lieu of the name specified in their respective organization certificates, may take any other name preferred by them and duly certified to the comptroller, without prejudice to any right acquired under this act, or under the act hereby repealed; but no such change shall be made after six months from the passage of this act: *Provided, also*, That the circulation issued or to be issued by such association shall be considered as a part of the circulation provided for in this act.

Saving clauses.

Executors,
trustees, &c.,
holding stock,
not to be person-
ally liable.

SEC. 63. *And be it further enacted*, That persons holding stock as executors, administrators, guardians, and trustees, shall not be personally subject to any liabilities as stockholders; but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in said trust-funds would be if they were respectively living and competent to act and hold the stock in their own names.

Act may be
altered or re-
pealed.

SEC. 64. *And be it further enacted*, That congress may at any time amend, alter, or repeal this act.

APPROVED, June 3, 1864.

June 3, 1864.

CHAP. CVII — *An Act to amend an Act relative to the Public Printing.*

1864, ch. 30.
Ante, p. 25.

Requisitions for
printing, &c., to
be made by as-
sistants as well
as by heads of
departments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that part of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and sixty-four, and for other purposes," approved March fourteenth, eighteen hundred and sixty-four, as provides "that hereafter no printing or binding shall be done or blank books be procured for any of the executive departments of the government without a written requisition on the superintendent of public printing from the head of such department," be, and the same is hereby, amended by inserting after the word "department," where it is last above written, the following words, viz: "or his assistant or assistants," so that it will read — "the head of such department or his assistant or assistants."

APPROVED, June 3, 1864.

CHAP. CVIII.—*An Act to repeal the first Section of the Joint Resolution relative to the Transfer of Persons in the Military Service to the Naval Service, approved February twenty-four, eighteen hundred and sixty-four.* June 3, 1864.
 Pub. Res. No. 15.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the joint resolution entitled a "Joint resolution relative to the transfer of persons in the military service to the naval service," approved February twenty-four, eighteen hundred and sixty-four, be, and the same is hereby, repealed.
 APPROVED, June 3, 1864.
 The direction to the provost-marshal-general to enlist into the naval service, &c., repealed.

CHAP. CIX.—*An Act to reestablish the principal Port of Entry for the District of Champlain at Plattsburgh, and for other Purposes.* June 3, 1864.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of an act entitled "An act to equalize and establish the compensation of the collectors of the customs on the northern, northeastern, and northwestern frontiers, and for other purposes," approved March third, eighteen hundred and sixty-three, changing the port of entry for the district of Champlain from Plattsburgh to Rouse's Point, be, and the same is hereby, repealed, and that Plattsburgh be, and the same is hereby, reestablished as the principal port of entry for said district, at which the collector of customs shall reside. And a deputy collector shall reside at Rouse's Point, and be vested with all the power and authority given to deputy collectors by law.
 APPROVED, June 3, 1864.
 Plattsburgh re-established as the principal port of entry.
 1863, ch. 87, § 3.
 Vol. xii. p. 761.
 Residence of collector and deputy collector.

CHAP. CX.—*An Act to amend an Act entitled "An Act making a Grant of alternate Sections of [the] Public Lands to the State of Michigan to aid in the Construction of certain Railroads in said State, and for other Purposes.* June 7, 1864.
 1856, ch. 44.
 Vol. xi. p. 21.
 1865, ch. 108.
 Post, p. 530.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act making a grant of alternate sections of [the] public lands to the State of Michigan to aid in the construction of certain railroads in said state, and for other purposes," be and the same is hereby, amended as follows, namely: Substitute for the words "and from Grand Rapids to some point on or near Traverse Bay," contained in the first section of said act, these words: And from Fort Wayne, in the State of Indiana, to a point on the southern boundary line of the State of Michigan, in the township of Sturgis, thence, by way of Grand Rapids, to some point on or near Traverse Bay. And the said act shall be, and is hereby, so amended as to substitute for the first clause of the first proviso in the first section thereof, so far as the same shall be applicable to the grant of lands made to aid in the construction of the railroad described by the foregoing amendment, these words: *Provided,* That the lands so to be selected shall in no case be further than twenty miles from the line of said road: *Provided, further,* That the time specified in the 4th section of the act hereby amended for the completion of said road shall not be extended.
 Location changed.
 Limit of selection of lands.
 Time not to be extended.
 SEC. 2. *And be it further enacted,* That the lands granted by the act amended by this act, and also by the provisions of this act, to aid in the construction of the railroad described in the foregoing section, shall be disposed of only in the following manner, that is to say, when the governor of the State of Michigan shall certify to the Secretary of the Interior that ten consecutive miles of said road have been completed in a good and substantial manner as a first-class railroad, indicating definitely where said completed section commences and where the same terminates, the said secretary shall cause patents to issue to said state for so much of said lands as are located opposite to, and coterminous with, said completed section of said road, and so from time to time for each completed section of ten miles of said road until the whole shall be completed.
 Land granted, how only to be disposed of.
 APPROVED, June 7, 1864.

June 7, 1864. CHAP. CXL. — *An Act to provide for granting an honorable Discharge to Coal-heavers and Firemen in the Naval Service.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That honorable discharges may be granted to coal-heavers and firemen in the naval service of the United States in the same manner and subject to the same conditions as such discharges are now granted to seamen, ordinary seamen, landsmen, and boys.

APPROVED, June 7, 1864.

June 8, 1864. CHAP. CXIII. — *An Act to create an additional Supervising Inspector of Steamboats and two local Inspectors of Steamboats for the Collection District of Memphis, Tennessee, and two local Inspectors for the Collection District of Oregon, and for other Purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be designated and appointed, in the mode prescribed by law, and who shall be paid the same annual compensation as is now paid, one additional supervising inspector of steamboats, and two local inspectors of steamboats, at Portland, in the collection district of Oregon, and two for the collection district of Memphis, Tennessee, at an annual compensation of seven hundred dollars, to be paid as provided by law, as in case of other like inspectors; and said inspectors shall perform the duties and be subject to the provisions of the steamboat act of August thirtieth, eighteen hundred and fifty-two.

SEC. 2. *And be it further enacted,* That so much of said act as provides for the appointment of two local inspectors of steamboats in the district of Wheeling, on the Ohio River, and for their compensation, is hereby repealed.

SEC. 3. *And be it further enacted,* That each engineer and pilot, licensed according to the provisions of said act, shall pay for every certificate granted by any inspector or inspectors, the sum of ten dollars, to be accounted for in the mode provided by law.

SEC. 4. *And be it further enacted,* That the forty-second section of the act of August thirty, eighteen hundred and fifty-two, be so construed as to require the inspection of the hull and boiler, in the manner prescribed by that act, of every vessel propelled in whole or in part by steam, and engaged as a ferry-boat, tug or towing-boat, or canal-boat, in all cases where, under the laws of the United States, such vessels may be engaged in the commerce with foreign nations, or among the several states.

SEC. 5. *And be it further enacted,* That all engineers and pilots of ferry-boats, tug-boats, towing-boats, or canal-boats, subject to inspection by this act, shall be classified and licensed in the same manner as are pilots and engineers by said act of August thirty, eighteen hundred and fifty-two.

SEC. 6. *And be it further enacted,* That, in lieu of the fees for inspection required by the thirty-first section of the act of August thirty, eighteen hundred and fifty-two, the following shall be paid: For each vessel of one hundred tons or under, twenty-five dollars, and in addition thereto for each one hundred tons, over the first one hundred tons, five dollars.

SEC. 7. *And be it further enacted,* That all parts of the act aforesaid, which are suspended by or are inconsistent with this act, are hereby repealed.

APPROVED, June 8, 1864.

June 8, 1864. CHAP. CXIV. — *An Act to punish and prevent the Counterfeiting of Coin of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person

or persons, except as now authorized by law, shall hereafter make, or cause to be made, or shall utter or pass, or attempt to utter or pass, any coins of gold or silver, or other metals or alloys of metals, intended for the use and purpose of current money, whether in the resemblance of coins of the United States or of foreign countries, or of original design, every person so offending shall, on conviction thereof, be punished by fine not exceeding three thousand dollars, or by imprisonment for a term not exceeding five years, or both, at the discretion of the court, according to the aggravation of the offence.

Penalty for counterfeiting coin of the United States.

APPROVED, June 8, 1864.

CHAP. CXV. — *An Act to provide for the Payment of the second Regiment, third Brigade, Ohio Volunteer Militia, during the Time they were mustered into the Service of the United States.*

June 8, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regiment, third brigade, Ohio volunteer militia, mustered into the service of the United States at Cincinnati, Ohio, on the fourth day of September, eighteen hundred and sixty-two, notwithstanding irregularity may have occurred in the manner of their mustering into the service of the United States, be paid for the time the officers and men were in the service, respectively, after being so mustered, not, however, to exceed the period of thirty days.

Payment of 2d Regiment, 3d Brigade, Ohio volunteers.

APPROVED, June 8, 1864.

CHAP. CXVI. — *An Act to provide for the Execution of Treaties between the United States and foreign Nations respecting Consular Jurisdiction over the Crews of Vessels of such foreign Nations in the Waters and Ports of the United States.*

June 11, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in all cases where it may have been or shall hereafter be stipulated by treaty or convention between the United States and any foreign nation to the effect that the consul-general, consuls, vice-consuls, or consular or commercial agents of the two nations, respectively, shall have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the one nation, between the master or other officer or officers and any of the crew, or between any of these last themselves, of any ship or vessel belonging to the other nation, such stipulations shall be executed and enforced within the jurisdiction of the United States as hereinafter declared: *Provided,* That before this act shall take effect as to the ships and vessels of any particular nation having such treaty with the United States, the President of the United States shall have been satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall have issued his proclamation to that effect, declaring this act to be in force as to such nation.

Treaty stipulations giving consuls, &c., jurisdiction over controversies between officers of vessels and mariners, &c., how to be carried into effect.

Other contracting party to make similar provisions.

SEC. 2. *And be it further enacted,* That in all cases within the purview of this act the consul-general, consul, or other consular or commercial authority of such foreign nation charged with the appropriate duty in the particular case, may make application to any court of record of the United States, or any judge thereof, or to any commissioner appointed under the laws of the United States, to take bail or affidavits, or for other judicial purposes whatsoever, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof, and when and where the same occurred, and exhibiting a certified copy or extract of the shipping-articles, roll, or other proper paper of the ship or vessel, to the effect that the person in question is of the crew or ship's company of such ship or vessel; and further stating and certifying that such person has withdrawn himself, or is believed to be about to withdraw himself, from the control and discipline of the master and officers of the said ship

Consul, &c., to apply to proper judicial authority.

Application to state what, &c.

Warrant for arrest to issue.

If person arrested is a citizen, he shall be discharged.

If not, &c., person to be committed.

Expenses, how to be paid.

Limit of imprisonment.

or vessel, or that he has refused, or is about to refuse, to submit to and obey the lawful jurisdiction of such consular or commercial authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying, such person is not a citizen of the United States, and thereupon such judge, commissioner, or other judicial officer, on inspection of such application, the same being in writing and duly authenticated by the consular or other sufficient official seal, shall issue his warrant for the arrest of the person so complained of, directed to the marshal of the United States for the appropriate district, or in his discretion to any person, being a citizen of the United States, whom he may specially depute for the purpose, requiring such person to be brought before him for examination at a certain time and place. And if, on such examination, it shall be made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of law. But if this shall not be made to appear, and such judge, commissioner, or other judicial authority shall find, upon the papers hereinbefore referred to, a sufficient prima facie case that the matter concerns only the internal order and discipline of such foreign ship or vessel, or, whether in its nature civil or criminal, does not *affect* [affect] directly the execution of the laws of the United States, or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under sentence of a court of the United States may be lawfully committed, or to the master or chief officer of such foreign ship or vessel, in his discretion, to be subject to the lawful orders, control, and discipline of the master or chief officer for the time being, of such ship, and to the jurisdiction of the consular or commercial authority of the nation to which such ship or vessel may belong, to the exclusion of any authority or jurisdiction in the premises of the United States or any state thereof: *Provided, nevertheless*, That the expenses of the arrest and the detention of the person so arrested shall be paid by the consul-general, consuls, or vice-consuls: *And provided, further*, That no person shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty and shall not again be arrested for the same cause.

APPROVED, June 11, 1864.

June 11, 1864.

CHAP. CXVII. — *An Act to authorize the Secretary of the Treasury to stipulate for the Release from Attachment or other Process, of Property claimed by the United States, and for other Purposes.*

Attachment in judicial proceeding of property owned, &c., by the United States, how may be discharged.

Effect of final judgment in such proceedings.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any property owned or held by the United States, or in which the United States have or claim an interest, shall, in any judicial proceeding under the laws of any state, district, or territory, be seized, arrested, attached, or held for the security or satisfaction of any claim made against said property, it shall be lawful for the Secretary of the Treasury, in his discretion, to direct the solicitor of the treasury to cause a stipulation to be entered into by the proper district attorney for the discharge of such property from such seizure, arrest, attachment, or proceeding, to the effect that upon such discharge, the person asserting the claim against such property shall become entitled to all the benefits of this act; and in all cases where such stipulation shall be entered into, as aforesaid, and the property shall, in consequence thereof, be discharged as aforesaid, and final judgment shall be given in the court of last resort to which the Secretary of the Treasury may deem proper to cause such proceedings to be carried, affirming the claim for the security or satisfaction of which such proceedings shall have been instituted, and the right of the person asserting the same to enforce it against such property by means of such proceedings, notwithstanding the claims of the United States thereto, such final judg-

ment shall be deemed, to all intents and purposes, a full and final determination of the rights of such person, and shall entitle such person, as against the United States, to such rights as he would have had in case possession of said property had not been changed; and if such claim be found to be due, the presentation of a duly authenticated copy of the record of such judgment and proceedings shall be sufficient evidence to the proper accounting officers for the allowance thereof; and the same shall thereupon be allowed and paid out of any moneys in the treasury not otherwise appropriated: *Provided*, That the amount so to be allowed and paid shall not exceed the value of the interest of the United States in the property in question: *And provided, further*, That nothing herein contained shall be considered as recognizing or conceding any right to enforce by seizure, arrest, attachment, or any judicial process, any claim against any property of the United States, or against any property held, owned, or employed by the United States, or by any department thereof, for any public use, or as waiving any objection to any proceeding instituted to enforce any such claim.

Limit of amount to be paid.

Right to enforce such claim, &c. not recognized.

APPROVED, June 11, 1864.

CHAP. CXVIII. — *An Act in Relation to the Limitation of Actions in certain Cases.*

June 11, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, during the existence of the present rebellion, any action, civil or criminal, shall accrue against any person who, by reason of resistance to the execution of the laws of the United States, or the interruption of the ordinary course of judicial proceedings, cannot be served with process for the commencement of such action or the arrest of such person, or whenever, after such action, civil or criminal, shall have accrued, such person cannot, by reason of such resistance of the laws, or such interruption of judicial proceedings, be arrested or served with process for the commencement of the action, the time during which such person shall so be beyond the reach of legal process shall not be deemed or taken as any part of the time limited by law for the commencement of such action.

Time during which person is beyond legal process by reason of resistance to the laws not to make part of time limited for bringing actions.

APPROVED, June 11, 1864.

CHAP. CXIX. — *An Act relating to Members of Congress, Heads of Departments, and other Officers of the Government.*

June 11, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no member of the Senate or House of Representatives shall, after his election and during his continuance in office, nor shall any head of a department, head of a bureau, clerk, or any other officer of the government receive or agree to receive any compensation whatsoever, directly or indirectly, for any services rendered, or to be rendered, after the passage of this act, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever. And any person offending against any provision of this act shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding ten thousand dollars, and by imprisonment for a term not exceeding two years, at the discretion of the court trying the same, and shall be forever thereafter incapable of holding any office of honor, trust, or profit under the government of the United States.

Senators, representatives, heads of bureaus, &c., not to receive pay for services in any matter where the United States is a party.

Penalty.

APPROVED, June 11, 1864.

June 11, 1864.

CHAP. CXX. — *An Act to change and define the Boundaries of the Eastern and Western Judicial Districts of Virginia, and to alter the Names of said Districts, and for other Purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the jurisdiction of the western district of Virginia shall hereafter be coextensive with, and confined to the limits of the State of West Virginia, and shall be called the district of West Virginia; and the jurisdiction of the eastern district of Virginia shall hereafter be coextensive with the limits and include the whole of the State of Virginia, and shall be called the district of Virginia. The judge of the said district of West Virginia shall annually hold six sessions as follows: At Clarksburg, on the 24th days of March and August; at Wheeling, on the sixth days of April and September; and at Charleston, on the nineteenth days of April and September. The judge of the district of Virginia shall, in addition to the sessions heretofore held by him as judge of the eastern district of Virginia, hold sessions at the times and places within the district of Virginia when and where sessions were held prior to the passage of this act by the judge of the western district of Virginia.

Records and files, where to be kept.

SEC. 2. *And be it further enacted,* That all the records and files of the courts of the western district of Virginia, hitherto held within the limits of the district of Virginia, as prescribed and fixed in the first section of this act, shall remain and be kept in the district of Virginia; and all records and files of the courts of the western district of Virginia, hitherto held within the limits of the district of West Virginia, as prescribed and fixed by the first section of this act, shall remain and be kept in the district of West Virginia. And all writs, suits, pleas, recognizances, indictments, and all other process, civil or criminal, issued, sued out, commenced, or pending, of which, if this act had never been passed, the judge of the western district would have had jurisdiction within the limits of the said district of Virginia, as defined by this act, shall be returned, entered, and have day before, and be heard and determined by, the judge of the district of Virginia, in the same manner, and with the same validity and effect, as they should have been returned, entered, heard, and determined by the judge of the western district of Virginia, if this act had never been passed.

Pending process.

Proceedings of court of western district of Virginia confirmed.

SEC. 3. *And be it further enacted,* That all the judicial proceedings of the court of the western district of Virginia had within the limits of the district of West Virginia, as fixed by the first section of this act, since the erection of West Virginia into a state, are hereby made and declared to be as valid and binding as if this act had been passed contemporaneously with the act establishing the State of West Virginia, and said judicial proceedings had been under and by virtue of this act.

APPROVED, June 11, 1864.

June 11, 1864.

CHAP. CXXI. — *An Act to provide for the summary Trial of minor Offences against the Laws of the United States.*

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 judge of any district court of the United States to hold a special session of said court at any time, whether in term or vacation, for the trial of minor offences against the laws of the United States, as hereinafter provided.

Complaints against officers and mariners of vessels, for offences not capital or infamous, to be

SEC. 2. *And be it further enacted,* That whenever a complaint shall be made against any master, officer, or mariner of any ship or vessel belonging, in whole or in part, to any citizen or citizens of the United States, of the commission of any offence, not capital or otherwise infamous, against any law of the United States made for the protection of persons or prop-

erty engaged in commerce or navigation, it shall be the duty of the district attorney to investigate the same, and the general nature thereof, and if, in his opinion, the case is such as should be summarily tried under the provisions of this act, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court.

SEC. 3. *And be it further enacted,* That at such trial it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath, in writing, shall be presented to the court, setting out the offence in such manner as clearly to apprise the accused of the character of the offence complained of, and to enable him to answer the complaint. And the said complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counter-statement.

No indictment necessary.

Written complaint on oath.

Defendant may answer and make counter-statement.

SEC. 4. *And be it further enacted,* That the said trial shall thereupon be proceeded with in a summary manner, and the case shall be decided by the court, unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty.

Summary trial to be had by the court.

Jury.

SEC. 5. *And be it further enacted,* That it shall not be lawful for the court to sentence any person convicted on such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding five hundred dollars, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine.

Limit of sentence in such cases.

SEC. 6. *And be it further enacted,* That it shall be lawful for the court to allow the district attorney to amend his statement or complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appear to the court that the accused is unprepared to meet the charge as amended, and that an adjournment of the case will promote the ends of justice, such adjournment shall be made until a further day, to be fixed by the court.

Complaint or statement may be amended, &c.

SEC. 7. *And be it further enacted,* That at such trial, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause, in such cases, shall be tried by the court without the aid of triers.

If trial by jury, peremptory challenges allowed.

Other challenges.

APPROVED, June 11, 1864.

CHAP. CXXII. — *An Act to abolish the Collection Districts of Port Orford and Cape Perpetua, in the State of Oregon.* June 11, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collection districts of Cape Perpetua and Port Orford, heretofore established by law, are hereby abolished, and the same attached to the collection district of Oregon.

Collection districts of Port Orford and Cape Perpetua abolished.

APPROVED, June 11, 1864.

CHAP. CXXIII. — *An Act to amend an Act entitled "An Act to confirm certain private Land Claims in the Territory of New Mexico."* June 11, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sixth section of the act entitled "An act to confirm certain private land claims in the Territory of New Mexico," approved June twenty-first, eighteen hundred and sixty, be, and the same is hereby, so amended as to enable the heirs of Luis Maria Baca to raise and withdraw the selection and location of one of the square bodies of land confirmed to them by said act, heretofore located by said heirs on the Pecos River, adjoining the Fort Sumner res-

1860, ch. 167. Vol. xii. p. 71.

Heirs of Luis Maria Baca may relocate certain land in New Mexico.

ervation, and to select and re-locate the same, in the manner provided by said act, at any time before the twenty-first day of June, in the year eighteen hundred and sixty-five, upon any of the public lands, unoccupied and not mineral, within the limits of the Territory of New Mexico, as said limits were known and defined by law on the twenty-first day of June, in the year eighteen hundred and sixty; and upon such selection and re-location, the title to said square body of land, the same being the one fifth part of the private claim confirmed to said heirs as aforesaid, so selected and re-located, shall be, and is hereby, confirmed to the said heirs of the said Luis Maria Baca as fully and perfectly as if the same had been selected and located within three years from and after the approval of the act aforesaid.

Effect of re-
location.

Their right to
former location
to be void.

SEC. 2. *And be it further enacted,* That upon such selection and re-location all right, title, and interest of the said heirs of Luis Maria Baca, of, in, and to the square body of land heretofore selected and located by them on the Pecos River, adjoining the Fort Sumner reservation in New Mexico, is hereby divested and declared null and void, and the same shall revert in the government of the United States.

APPROVED, June 11, 1864.

June 15, 1864.

CHAP. CXXIV. — *An Act making Appropriations for the Support of the Army for the Year ending the thirtieth June, eighteen hundred and sixty-five, and for other Purposes.*

Army appro-
priation.

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-five: —

Recruiting, &c.

For expenses of recruiting, transportation of recruits, and compensation to citizen surgeons for medical attendance, three hundred thousand dollars.

Books of tactics,
&c.

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

Contingencies
of adjutant-general's department.

For contingent expenses of the adjutant-general's department at the headquarters of the several military departments, five thousand dollars.

Copying official
reports.

For copying official reports of the armies of the United States, for publication, five thousand dollars.

Bounties for
enlistments;

For bounties and premiums for the *enticment* [enlistment] of recruits for the regular army, three hundred and fifty thousand dollars.

for volunteers
and drafted men.

For the pay of advance bounties to volunteers and drafted men, five million dollars.

Collecting,
drilling, &c.,
volunteers.

For pay of premiums, rent of buildings and grounds, transportation, subsistence, lodging, commutation of fuel and quarters, straw, postage, stationery, advertising, medicines, and medical attendance, and all other necessary expenses incidental to the collecting, drilling, and organizing volunteers, and for the necessary expenses under the enrolment act, five million dollars.

Pay.

For pay of the army, nine million nine hundred and seventy-one thousand two hundred and forty-three dollars and sixty cents.

Commutation.

For commutation of officers' subsistence, one million seven hundred and twenty-three thousand six hundred and twenty-nine dollars and fifty cents.

For commutation of forage for officers' horses, one hundred and four thousand six hundred dollars.

Pay in lieu of
clothing.

For payments in lieu of clothing for officers' servants, eighty-two thousand eight hundred and twenty dollars.

For payments to discharged soldiers for clothing not drawn, one hundred and fifty thousand dollars.

For pay of volunteers, including the bounties authorized by law, one

hundred and seventy-seven million four hundred and sixty-two thousand seven hundred and twenty-eight dollars and twenty-five cents: *Provided*, That if any officer in the regular or volunteer forces shall employ a soldier as a servant, such officer shall not be entitled to any pay or allowances for a servant or servants, but shall be subject to the deduction from his pay required by the third section of the act entitled "An act to define the pay and emoluments of certain officers of the army, and for other purposes," approved July seventeen, eighteen hundred and sixty-two: *And provided, further*, That the second section of the act entitled "An act giving further compensation to the captains and subalterns of the army of the United States in certain cases," allowing ten dollars additional per month to any officer in actual command of a company, as compensation for his duties and responsibilities with respect to the clothing, arms, and accoutrements of the company, shall be construed to apply only to company officers in actual command as aforesaid.

For subsistence in kind for regulars, volunteers, and drafted men, ninety-one million four hundred and twenty-five thousand four hundred and twenty-six dollars and thirty cents.

For the regular supplies of the quartermaster's department, consisting of fuel for the officers, enlisted men, guard, hospitals, storehouses, and offices; of forage in kind for the horses, mules, and oxen for the quartermaster's department, at the several posts and stations, and with the armies in the field; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry as may be mounted, 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 quartermasters' departments; and for the printing of division and department orders and reports, sixty million dollars.

For the incidental expenses of the quartermaster's department, consisting of postage on letters and packages received and sent by officers of the army on public service; expenses of courts-martial, military commissions, and courts of inquiry, including the additional compensation of judge-advocates, 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 on other constant labor, for periods of not less than ten days, under the acts of March second, eighteen hundred and nineteen, and August *fourth* [fourth,] 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 paymasters 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 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, spies, 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 July fifth, 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 several regiments of cavalry, the batteries of light artillery, and such companies of infantry as may be mounted, viz: the purchase of travelling forges, blacksmiths' and shoeing tools, horses and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons,

Pay of volunteers.

Officers using soldiers as servants not entitled to allowances.

1862, ch. 200.

§ 3. Vol. xii. p. 594.

Construction of former act. 1827, ch. 42, § 2.

Vol. iv. p. 227.

Subsistence in kind

Quartermaster's department.

Incidental expenses of quartermaster's department.

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.

medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named; also, generally, the proper and authorized expenses for the movements and operations of an army not expressly assigned to any other department, thirteen million dollars.

Cavalry, &c.,
horses.

For the purchase of cavalry and artillery horses, twenty-one million dollars.

Mileage.

For mileage, or the allowances made to officers of the army for the transportation of themselves and their baggage, when travelling on duty without troops, escorts, or supplies, seven 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 depots at Philadelphia, Cincinnati, and New York to the several posts and army depots, and from those depots to the troops in the field; and of subsistence stores 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 founderies and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; for the purchase and hire of horses, mules, oxen, 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 Pacific; 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 operations of the troops in the field, forty million dollars.

Quarters.

For hire or commutation of quarters for officers on military duty; hire of quarters for troops; of storehouses for the safe-keeping of military stores; of grounds for summer cantonments; for the construction of temporary huts, hospitals, and stables, and for repairing public buildings at established posts, five million dollars.

Stoves.

For heating and cooking-stoves, one hundred thousand dollars.

Telegraph.

For constructing and extending the telegraph, for military purposes, and for expenses in operating the same, two hundred and seventy-five thousand dollars.

Prisoners of
war.

For supplies, transportation, and care of prisoners of war, nine hundred thousand dollars.

Steam-rams.

For purchasing, constructing, and maintenance of steam-rams, two hundred and seventy-five thousand dollars.

Clothing and
camp equipage.

For clothing for the army, camp and garrison equipage, and for expenses of offices and arsenals, fifty-eight million dollars.

Contingencies.

For contingencies of the army, four hundred thousand dollars.

Medicines, &c.

For medicines, instruments, and dressings, two million seven hundred and fifteen thousand dollars.

Hospital stores.

For hospital stores, bedding, and so forth, three million five hundred and eighty-seven thousand eight hundred and fifty-two dollars.

For hospital furniture and field equipments, six hundred and eighteen thousand dollars.

Books, station-
ery, &c.

For books, stationery, and printing, one hundred and twenty thousand dollars.

Ice and com-
forts.

For ice, fruits, and other comforts, three hundred thousand dollars.

Hospital cloth-
ing.

For hospital clothing, seven hundred and fifty thousand dollars.

Citizen nurses.
Private hos-
pitals.

For citizen nurses, two hundred and ten thousand dollars.

For care of sick soldiers in private hospitals, thirty-one thousand two hundred dollars.

Artificial limbs.

For artificial limbs for soldiers and seamen, forty-five thousand dollars.

For citizen physicians, and medicines furnished by them, four hundred and five thousand dollars.	Citizen physicians, &c.
For hire of clerks and laborers in purveying depots, seventy-five thousand dollars.	Purveying depots.
For examining and recording meteorological observations taken at the military posts of the United States army, seven hundred and fifty dollars.	Meteorological observations.
For army medical museum, five thousand dollars.	Medical museum.
For contingent expenses of the medical department, forty-seven thousand eight hundred and thirty-eight dollars.	Contingencies.
For laboratory for testing and rearranging medicines and hospital supplies, five thousand dollars.	Laboratory.
For washing and washing-machines for hospitals where matrons cannot be employed, fifteen thousand dollars.	Washing and machines.
For expenses of the commanding general's office, ten thousand dollars.	Commanding general's office.
For the secret service, one hundred thousand dollars.	Secret service.
For armament of fortifications, two million dollars.	Armament of fortifications.
For the current expenses of the ordnance service, five hundred thousand dollars.	
For ordnance, ordnance stores, and supplies, including the purchase and manufacture of arms, accoutrements, and horse equipments for volunteers and regulars, twenty million dollars.	Ordnance and stores.
For the manufacture of arms at the national armory, two million five hundred thousand dollars.	Manufacture of arms.
For repairs, improvements, and new machinery at the national armory, one hundred thousand dollars.	Repairs, &c., at armory.
For the purchase of gunpowder and lead, two million dollars.	Gunpowder and lead.
For repairs and improvements at arsenals, including new and additions to present buildings, and machinery, tools, and fixtures, two million dollars.	Arsenals.
For the signal service of the army, one hundred thousand dollars.	Signal service.
For compensation of two clerks in the signal-office, two thousand eight hundred dollars.	
SEC. 2. <i>And be it further enacted</i> , That all persons of color who have been or may be mustered into the military service of the United States shall receive the same uniform, clothing, arms, equipments, camp equipage, rations, medical and hospital attendance, pay and emoluments, other than bounty, as other soldiers of the regular or volunteer forces of the United States of like arm of the service, from and after the first day of January, eighteen hundred and sixty-four; and that every person of color who shall hereafter be mustered into the service shall receive such sums in bounty as the President shall order in the different states and parts of the United States, not exceeding one hundred dollars.	Pay, rations, &c., of persons of color mustered into the military service.
SEC. 3. <i>And be it further enacted</i> , That all persons enlisted and mustered into service as volunteers under the call, dated October seventeen, eighteen hundred and sixty-three, for three hundred thousand volunteers, who were at the time of enlistment actually enrolled and subject to draft in the state in which they volunteered, shall receive from the United States the same amount of bounty without regard to color.	Bounties to be paid to certain volunteers without regard to color.
SEC. 4. <i>And be it further enacted</i> , That all persons of color who were free on the nineteenth day of April, eighteen hundred and sixty-one, and who have been enlisted and mustered into the military service of the United States, shall, from the time of their enlistment, be entitled to receive the pay, bounty, and clothing allowed to such persons by the laws existing at the time of their enlistment. And the Attorney-General of the United States is hereby authorized to determine any question of law arising under this provision. And if the Attorney-General aforesaid shall determine that any of such enlisted persons are entitled to receive any pay, bounty, or clothing, in addition to what they have already received, the Secretary of War shall make all necessary regulations to	Pay, bounties, &c., of colored soldiers. Attorney-General to determine, &c.

enable the pay department to make payment in accordance with such determination.

Enlistments into the regular army may be for three years.

SEC. 5. *And be it further enacted*, That all enlistments hereafter made in the regular army of the United States, during the continuance of the present rebellion, may be for the term of three years.

APPROVED, June 15, 1864.

June 15, 1864. CHAP. CXXV. — *An Act to incorporate the Home for Friendless Women and Children.*

Home for the relief of friendless women and children incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mary T. Hay, Eliza M. Morris, Jane F. James, Eliza Wade Fitzgerald, Georgiana F. Speaks, Emily B. Ruggles, Indiana Plant, Mary Grayham, Maria Virginia Brown, and their associates and successors, are hereby created a body corporate and politic, with a common seal, the right of succession, with ability to sue and liability to be sued as a natural person, and the said corporation shall be known by the name of "The Home for the Relief of Friendless Women and Children." The business of said corporation shall be the establishment, in the city of Washington, or at a convenient and eligible point not exceeding in distance seven miles from the city, of an institution where provision can be made by public charity for the care and relief of friendless and deserving females, and for the care and maintenance of young orphan or destitute children, male or female, who may be or are likely to become a charge upon public charity. And said corporation shall possess and enjoy all the powers essential and proper for the carrying out of the purposes of its creation.

Objects and powers of corporation.

Real and personal estate.

SEC. 2. *And be it further enacted*, That said corporation may receive, take, and hold, by purchase, gift, or devise, any real or personal estate, for the purposes contemplated in this act: *Provided, however*, That the nett annual income of their real estate shall not exceed thirty thousand dollars.

First board of managers.

SEC. 3. *And be it further enacted*, That Mary T. Hay, Eliza M. Morris, Eliza Wade Fitzgerald, Georgiana Speaks, Emily B. Ruggles, Indiana Plant, Jane F. James, Mary Grayham, Maria Virginia Brown, shall constitute the board of managers until the first Monday of May, A. D. eighteen hundred and sixty-five, and until their successors shall be chosen or elected as herein provided. A meeting of the members of the association shall be held on the first Monday of May, eighteen hundred and sixty-five, at some convenient hour and place, in the city of Washington, of which two weeks' public notice shall be given by the board of managers, in two daily newspapers published in the city of Washington; and at such meeting the members of the association who shall be present shall proceed to elect a board of managers in the places of those hereby designated or authorized; and any manager may be reelected from time to time. Each member, at such meeting, shall be entitled to one vote. An annual meeting of the associates or corporators shall, in like manner and upon like notice, be held on the first Monday of May, in each year after eighteen hundred and sixty-five, for the election of managers for the ensuing year; but if, in any case, the said meeting shall, for any reason, fail to be held on the day herein designated, the same may, upon the notice above provided, be held on any other day within three months thereafter; and the managers then elected shall hold their offices until the first Monday of May next ensuing, and until their successors shall be chosen, as aforesaid.

Meeting of members of association.

Annual meeting.

The said board of managers shall have power to fill any vacancies occurring therein between the regular elections above provided in this act, and a majority of said board shall form a quorum for the transaction of business.

Term of office of managers.

Vacancies.

Management of the Home.

SEC. 4. *And be it further enacted*, That the board of managers shall have power to appoint such agents, matrons, assistants, and teachers, and to employ such domestics and servants, as shall be deemed necessary, and

to make all needful and proper regulations for their respective, general, or specific duties, as well as for the government, direction, and control of all persons who may at any time become inmates of the "Home" authorized by this act, and may prescribe for the children and youth committed to their care such rules of discipline as shall be deemed by them necessary.

SEC. 5. *And be it further enacted,* That whenever any child who, from the neglect or inability of its parents or guardian to support it, shall become a charge upon public charity, and shall be surrendered to the charge of the association, pursuant to the provisions of this act, by such parent or by its guardian, or by the overseer or superintendent of the poor of said city of Washington, or other officer having the charge of the poor, or whenever any destitute and dependant orphan shall be surrendered to such institution, in the manner herein provided, by an instrument in writing, duly signed by such parent, guardian, or public officer, the said board of managers may, in their discretion, place such child to service with some proper person under articles of indenture, to be executed in due form of law, with such provisions for maintenance and education as shall be approved by one of the judges of the supreme court of the District of Columbia; and the said board of managers are hereby authorized to permit the adoption of any such child by any respectable and proper person who, under provisions to be approved as aforesaid, shall undertake the maintenance, care, and proper education of such destitute or orphan child.

Children in the charge of this association may be bound out,

or adopted.

SEC. 6. *And be it further enacted,* That in case of the death or legal incapacity of the father of any dependent child, or of the imprisonment of such father for crime, or of his abandoning or neglecting to provide for his family, the mother, if residing in the District of Columbia, shall be deemed the legal guardian for the purposes of this act, and shall have power to make the surrender aforesaid. But in case the mother also be dead, or a non-resident of said district, or legally incapable of acting in the premises, or be imprisoned for crime, or neglect to provide for such child, and in case there be no guardian or other person legally bound to support such child, or qualified to make the surrender aforesaid, then, and in any such case, the superintendent of the poor, or the mayor of Washington, or other public officer having charge of the poor, shall, for the purposes of this act, be required, as ex-officio guardian of such child, and may make, as such, the surrender of such child to the said corporation by the instrument in writing aforesaid, which surrender shall, in all respects, be as valid and effectual as if made by the father or parent of such child: *Provided,* That no surrender of any such child shall be made under the provisions of this section, unless such surrender shall, on examination, be approved by one of the judges of the supreme court of said district.

Mother may be guardian, when, &c.

Who else may be guardian.

Binding out of child to be approved by a Judge.

SEC. 7. *And be it further enacted,* That the board of managers may elect from their own number a president, vice-president, and secretary; and they may further elect a treasurer. They may, in their discretion, appoint an executive committee, consisting of five members of their board, who may, under the general direction of the board, take charge of the affairs of the corporation during any recess of the board.

Officers of the association.

SEC. 8. *And be it further enacted,* That the treasurer of said corporation shall at any time upon the call of congress report a full and perfect statement of the affairs of such corporation, the location, value, and income of all real estate owned by it, the amount of its receipts, expenditures, investments, and personal estate, and all other information which congress may require.

Report to congress.

SEC. 9. *And be it further enacted,* That congress may at any time alter, amend, or repeal this act.

Act may be repealed.

SEC. 10. *And be it further enacted,* That this act shall take effect immediately.

When act takes effect.

June 15, 1864. CHAP. CXXVI. — *An Act concerning certain School Lands in Township forty-five North, Range seven East, in the State of Missouri.*

Certain school lands granted to Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in and to all of the lots, tracts, pieces, and parcels of land within the Grand Prairie common field, in township forty-five north of the base line, in range seven east of the fifth principal meridian line in the State of Missouri, which have not heretofore been disposed of by the United States, shall be, and the same are hereby, granted, relinquished, and conveyed by the United States, in fee simple and in full property, to the State of Missouri, for the support of schools in said township: *Provided,* That nothing in this act shall in any manner abridge, divest, impair, injure, or prejudice any adverse right, title, or interest of any person or persons in or to any portion or part of the aforesaid lots, tracts, pieces, or parcels of land which are granted, relinquished, or conveyed by this act.

Adverse rights not affected.

APPROVED, June 15, 1864.

June 17, 1864. CHAP. CXXVII. — *An Act to prohibit certain Sales of Gold and Foreign Exchange.*

Certain contracts for the purchase, &c., of gold coin and bullion and foreign exchange made unlawful.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful to make any contract for the purchase or sale and delivery of any gold coin or bullion to be delivered on any day subsequent to the day of making such contract, or for the payment of any sum, either fixed or contingent, in default of the delivery of any gold coin or bullion, or to make such contract upon any other terms than the actual delivery of such gold coin or bullion, and the payment in full of the agreed price thereof, on the day on which such contract is made, in United States notes or national currency, and not otherwise; or to make any contract for the purchase or sale and delivery of any foreign exchange to be delivered at any time beyond ten days subsequent to the making of such contract; or for the payment of any sum, either fixed or contingent, in default of the delivery of any foreign exchange, or upon any other terms than the actual delivery of such foreign exchange within ten days from the making of such contract, and the immediate payment in full of the agreed price thereof on the day of delivery in United States notes or national currency; or to make any contract whatever for the sale and delivery of any gold coin or bullion of which the person making such contract shall not, at the time of making the same, be in actual possession. And it shall be unlawful to make any loan of money or currency not being in coin to be repaid in coin or bullion, or to make any loan of coin or bullion to be repaid in money or currency other than coin.

[Repealed, 1864, ch. 209. *Post*, p. 344.]

Certain loans made unlawful.

SEC. 2. *And be it further enacted,* That it shall be further unlawful for any banker, broker, or other person, to make any purchase or sale of any gold coin or bullion, or of any foreign exchange, or any contract for any such purchase or sale, at any other place than the ordinary place of business of either the seller or purchaser, owned or hired, and occupied by him individually, or by a partnership of which he is a member.

Contracts for purchase of gold, &c., to be made only at the ordinary place of business, &c.

Void contracts.

SEC. 3. *And be it further enacted,* That all contracts made in violation of this act shall be absolutely void.

Penalty for violations of this act to be fine or imprisonment.

SEC. 4. *And be it further enacted,* That any person who shall violate any provisions of this act shall be held guilty of a misdemeanor, and, on conviction thereof, be fined in any sum not less than one thousand dollars, nor more than ten thousand dollars, or be imprisoned for a period not less than three months, nor longer than one year, or both, at the discretion of the court, and shall likewise be subject to a penalty of one thousand dollars for each offence.

SEC. 5. *And be it further enacted,* That the penalties imposed by the

fourth section of this act may be recovered in an action at law in any court of record of the United States, or any court of competent jurisdiction, which action may be brought in the name of the United States by any person who will sue for said penalty, one half for the use of the United States, and the other half for the use of the person bringing such action. And the recovery and satisfaction of a judgment in any such action shall be a bar to the imposition of any fine for the same offence in any prosecution instituted subsequent to the recovery of such judgment, but shall not be a bar to the infliction of punishment by imprisonment, as provided by said fourth section.

Penalties, how may be recovered.

Half of money to go to person bringing the suit.

Judgment, &c., not to be bar of imprisonment.

SEC. 6. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

APPROVED, June 17, 1864.

CHAP. CXXVIII.—*An Act to amend an Act entitled "An Act to extend the Time for the Withdrawal of Goods from Public Stores and Bonded Warehouses, and for other Purposes," approved twenty-ninth February, eighteen hundred and sixty-four.*

June 17, 1864.
1864, ch. 15.
Ante, p. 12.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all goods, wares, and merchandise, in public stores or bonded warehouses, on which the duties are unpaid, and which shall have been in bond for more than one year and less than three years, may be entered for consumption and the bonds cancelled at any time before the first day of September next, on payment of duties and charges according to the laws in force at the time the goods shall be withdrawn.

Certain goods, &c., in public stores, &c.

When and how may be entered.

APPROVED, June 17, 1864.

CHAP. CXXIX.—*An Act to amend an Act entitled "An Act to authorize the Corporation of Georgetown, in the District of Columbia, to lay and collect a Water Tax, and for other Purposes," approved May twenty-one, eighteen hundred and sixty-two.*

June 17, 1864.
1862, ch. 82.
Vol. xii. p. 405.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases in which an original town lot in Georgetown, in the District of Columbia, entirely owned by the same person or persons, or any subdivision of an original lot separately owned, as aforesaid, shall be situated at the intersection of two streets, so as to bind or front on both, and in which both fronts would be liable to the front-foot tax authorized by the act entitled "An act to authorize the corporation of Georgetown, in the District of Columbia, to lay and collect a water-tax, and for other purposes," approved May twenty-one, eighteen hundred and sixty-two, the said front-foot tax shall not be levied upon more than seventy-five feet of the two fronts of said lot or part of lot; and all beyond said number of feet shall be exempt therefrom: *Provided*, That, for the purpose of avoiding inequality and hardship in laying said tax, it shall be lawful for the said corporation of Georgetown, in such cases, to make such further exemptions from said front-foot tax, either by general laws or in individual cases, as to them may seem just and proper.

Front-foot water-tax on certain lots in Georgetown.

Further provisions.

SEC. 2. *And be it further enacted*, That it shall be lawful for said corporation of Georgetown, in their discretion, instead of the front-foot tax aforesaid, to lay and collect annually a general special tax not to exceed one fifth of one per cent. per annum on all the assessable property in said town, for the purpose of defraying the cost of distributing water through said town from the mains or pipes of the Washington aqueduct, which tax shall be exclusively appropriated to said object, shall be collected in the same manner as the general tax of said town, and shall cease whenever the cost of said distribution shall have been fully paid: *Provided*, That all persons liable to pay said tax shall be credited on account of the same with all sums heretofore paid by them on account of said front-foot tax, levied in pursuance of the act to which this is an amendment.

Instead of front-foot tax, a general special tax may be laid, &c.

Proviso.

Act of 1862, ch. 82, § 3, repealed.

SEC. 3. *And be it further enacted*, That the third section of the act aforesaid be, and the same is hereby, repealed.

APPROVED, June 17, 1864.

June 17, 1864.

CHAP. CXXX. — *An Act to regulate the Foreign Coasting Trade on the Northern, Northeastern, and Northwestern Frontiers of the United States, and for other Purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any boat, sloop, or other vessel of the United States, navigating the waters on our northern, north-eastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; which enrolment and license shall authorize any such boat, sloop, or other vessel to be employed either in the coasting or foreign trade on said frontiers; and no certificate of register shall be required for vessels so employed on said frontiers: *Provided*, That such boat, sloop, or vessel shall be, in every other respect, liable to the rules, regulations, and penalties now in force relating to registered and licensed vessels.

Vessels navigating the waters on northern, &c., frontiers to be enrolled and licensed.

Effect thereof.

Proviso.

Compensation of certain collectors of customs. 1831, ch. 98, § 4. Vol. iv. p. 487.

SEC. 2. *And be it further enacted*, That in lieu of the compensation provided by the fourth section of the act of March second, eighteen hundred and thirty-one, entitled "An act to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes," each of the several collectors of customs in the following districts on the said frontiers, to wit: Pembina, Chicago, Milwaukie, Sault Sainte Marie, Detroit, Miami, Sandusky, Cuyahoga, Presque Isle, (hereafter to be called Erie,) Dunkirk, Buffalo, Niagara, Genesee, Oswego, Cape Vincent, Oswegatchie, Champlain, and Vermont, shall receive an annual compensation of one thousand dollars, and, in addition thereto, the fees now collected under the general regulations of the treasury department of February, eighteen hundred and fifty-seven, and a commission of three per centum on all moneys collected and accounted for by them respectively: *Provided*, That the aggregate compensation derived from salary, fees, and commissions, shall not in any case exceed the sum of twenty-five hundred dollars per annum, subject to the provisions of the act entitled "An act relative to collectors and other officers of the customs," approved February eleventh, eighteen hundred and forty-six. And whenever the aggregate of salary, fees, and commissions shall in any case exceed the said sum of twenty-five hundred dollars, after deducting the necessary expenses incident to the said office, for and during the same period for which said compensation is allowed, the excess shall, in every such case, be paid into the treasury of the United States. The fees and emoluments of all kinds to be accounted for as provided by the twelfth section of the act of the seventh of May, eighteen hundred and twenty-two.

Not to exceed a certain sum. 1846, ch. 7. Vol. ix. p. 3.

Fees, &c., how to be accounted for. 1822, ch. 107, § 12. Vol. iii. p. 695.

What fees may be charged.

Certain territory, waters, &c., added to the Milwaukie district.

SEC. 3. *And be it further enacted*, That the collectors and other officers of customs on the said frontiers shall be authorized to charge and collect the same fees as are now allowed by law to be charged and collected by the collectors and other officers of customs.

SEC. 4. *And be it further enacted*, That all the territory, harbors, and waters on the eastern shore of the State of Wisconsin, bordering on Lake Michigan, heretofore embraced in the district of Michilimackinac, and lying within the limits of the State of Wisconsin, shall be, and the same are hereby, attached to and made part of the collection district of Milwaukie, in the State of Wisconsin.

Bonds of collectors, naval officers, &c., now approved and kept.

SEC. 5. *And be it further enacted*, That all bonds given by collectors of customs, naval officers, surveyors, and by all officers of the customs throughout the United States, shall be approved by the commissioner of customs, in whose office they are now required to be filed.

SEC. 6. *And be it further enacted*, That this act shall take effect from and after the thirtieth June, eighteen hundred and sixty-four. When act takes effect.

SEC. 7. *And be it further enacted*, That the act entitled "An act to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes," approved second March, eighteen hundred and thirty-one, and all other acts or parts of acts inconsistent with this act be, and the same are hereby, repealed. Repeal of act of 1831, ch. 98, and of inconsistent acts.

APPROVED, June 17, 1864.

CHAP. CXXXI. — *An Act to regulate the Veto Power in the Territory of Washington.* June 17, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every bill which shall have passed the legislative assembly of Washington Territory shall, before it become a law, be presented to the governor. If he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly by their adjournment prevent its return, in which case it shall not be a law. Veto power of the governor of Washington Territory.

APPROVED, June 17, 1864.

CHAP. CXXXII. — *An Act to empower the Superannuated Fund Society of the Maryland Annual Conference to hold Property in the District of Columbia and to take a Devise under the Will of the late William Doughty.* June 17, 1864.

WHEREAS a certain William Doughty, of Georgetown, in the District of Columbia, by his last will, bearing date on the twenty-ninth day of April, eighteen hundred and fifty-nine, duly admitted to probate, devised and bequeathed certain real and personal property and estate — part thereof to take effect at his death, and the residue at the death or marriage of his widow — to a society incorporated by act of the general assembly of Maryland, by the name of "The Superannuated Fund Society of the Maryland Annual Conference," and called in said will The Superannuated Fund Society of the Methodist Protestant Church for the District of Maryland; and whereas it has been questioned whether the said corporation can lawfully take and hold the said property, in virtue of said last will, without the leave and assent of congress: Therefore — The Superannuated Fund Society may hold, &c., certain property 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 the assent of congress is hereby given to all and every the aforementioned devises and bequests unto "The Superannuated Fund Society of the Maryland Annual Conference" aforesaid; and the said society and body corporate is hereby fully authorized and empowered to take and hold the said property and estate devised and bequeathed to it as aforesaid, agreeably to the tenor and provisions of the said last will, and to dispose of and enjoy the same to every intent and effect as if the said society had been originally incorporated by act of congress.

SEC. 2. *And be it further enacted*, That the said corporation is hereby empowered to hold real and personal property located in the District Property, real and personal, to

yield an income of not over \$20,000.

of Columbia acquired, or that shall be acquired by gift, purchase, devise, or bequest, and the same enjoy, rent, lease, or convey, at pleasure, as freely as any person or body corporate can do: *Provided*, That the net yearly income thereof shall not exceed twenty thousand dollars.

When act takes effect.

SEC. 3. *And be it further enacted*, That this act shall take effect from the day of its passage.

APPROVED, June 17, 1864.

June 17, 1864.

CHAP. CXXXIII. — *An Act to grant the Right of Preëmption to certain Settlers on the Rancho Bolsa de Tomales, in the State of California.*

Lines of public surveys to be extended over the Rancho Bolsa de Tomales, in Marin County, California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it may and shall be lawful for the commissioner of the general land office to cause the lines of the public surveys to be extended over the tract of country known as the Rancho Bolsa de Tomales, in Marin County, California, the claim to which, by James D. Galbraith, has been adjudged invalid by the supreme court of the United States, and to have approved plats thereof duly returned to the proper district land office: *Provided*, That the actual cost of such survey and platting shall first be paid into the surveying fund by settlers, according to the requirements of the tenth section of the act of congress approved thirtieth of May, eighteen hundred and sixty-two, "to reduce the expenses of the survey and sale of the public lands in the United States."

Actual cost to be paid.

1862, ch. 86, § 10. Vol. xii. p. 410.

Settlers may enter their lands after the survey.

SEC. 2. *And be it further enacted*, That after the return of such approved plats to the district office, it may and shall be lawful for individuals, settlers upon the said Rancho Bolsa de Tomales, to enter, according to the lines of the public surveys, at one dollar and twenty-five cents per acre, the land settled upon by them to the extent to which the same had been reduced to possession at the time of said adjudication of said supreme court, joint entries being admissible by coterminous proprietors, in order that their respective boundaries may be adjusted in accordance with their several possessions.

Joint entries.

Claims to be presented within what time.

SEC. 3. *And be it further enacted*, That all claims within the purview of this act shall be presented to the register and receiver within twelve months after the return of such surveys to the district land office, accompanied by proof of settlement, and the extent to which the tracts claimed had been reduced into possession at the time of said adjudication; and thereupon each case shall be adjudged by the register and receiver, under such instructions as shall be given by the commissioner of the general land office, to whom the proof and adjudication shall be returned by the local land office, and no adjudication shall be final until confirmed by the said commissioner: *Provided*, That the confirmation by said commissioner shall be conclusive and final between coterminous proprietors, and the correctness thereof shall not be open to contestation in any action at law or suit in equity between them or between parties claiming under them by title subsequent: *And provided, further*, That any claim not brought before the register and receiver within twelve months, as aforesaid, shall be barred, and the lands covered thereby, with any other tracts within the limits of said rancho, the titles to which are not established under this act, shall be dealt with as other public lands, but subject to the adjudicated boundaries of the claims which are presented within the limit of the time prescribed as aforesaid: *Provided*, That no person under the provisions of this act shall be allowed to enter a greater quantity of land than three hundred and twenty acres.

Decision of register, &c., to be confirmed.

Confirmation to be final.

Claims not brought in time, to be barred.

Limit of amount to be entered.

APPROVED, June 17, 1864.

CHAP. CXXXIV. — *An Act extending the Time for the Completion of the Marquette and Ontonagon Railroad, of the State of Michigan.* June 18, 1864.
 Pub. Res. No. 43. Post, p. 409.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time limited for the completion of the Marquette and Ontonagon railroad, of the State of Michigan, be, and the same is hereby, extended for the term of five years beyond the time fixed for its completion by the act of congress of June third, A. D. eighteen hundred and fifty-six, entitled "An act making a grant of alternate sections of the public lands to the State of Michigan to aid in the construction of certain railroads in said state, and for other purposes:" *Provided,* That the State of Michigan shall have the same control over the said grant of lands hereby extended for five years, for the benefit of said railroad, which was given to said state under said original act of congress; and said state may prescribe the time within which the several sections of said road shall be completed.

APPROVED, June 18, 1864.

Time for completing the Marquette and Ontonagon railroad extended.
 1856, ch. 44.
 Vol. xi. p. 2L

Proviso.

CHAP. CXXXV. — *An Act to amend an Act entitled "An Act to enable the People of Colorado to form a Constitution and State Government, and for the Admission of such State into the Union on an equal Footing with the original States."* June 18, 1864.
 1864, ch. 37,
 § 5.
Ante, p. 34.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the fifth section of the act to which this act is an amendment as provides by ordinance for submitting the constitution to the people of said state for their ratification or rejection, at an election to be held on the second Tuesday of October, be so amended as to read, on the second Tuesday in September, and that the election, for the purposes aforesaid, be held on that day instead of the second Tuesday in October.

APPROVED, June 18, 1864.

Vote upon acceptance, &c., of constitution to be taken on second Tuesday in September.

CHAP. CXXXVI. — *An Act making Appropriations for the Consular and Diplomatic Expenses of the Government for the Year ending thirtieth June, eighteen hundred and sixty-five, and for other Purposes.* June 20, 1864.

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-five, namely: —

For salaries of envoys extraordinary, ministers, and commissioners of the United States at Great Britain, France, Russia, Prussia, Spain, Austria, Brazil, Mexico, China, Italy, Chili, Peru, Portugal, Switzerland, Rome, Belgium, Holland, Denmark, Sweden, Turkey, New Granada, Bolivia, Ecuador, Venezuela, Guatemala, Nicaragua, Sandwich Islands, Costa Rica, Honduras, Argentine Confederation, Paraguay, Japan, and Salvador, three hundred and eight thousand five hundred dollars.

Consular and diplomatic appropriation.

Salaries of envoys, ministers, and commissioners;

For salaries of secretaries of legation, thirty thousand dollars.

of secretaries of legation; of assistant secretaries; of interpreters in China, Turkey, and Japan.

For salaries of assistant secretaries of legation at London and Paris, three thousand dollars.

For salary of the interpreter to the legation to China, five thousand dollars.

For salary of the secretary of legation to Turkey, acting as interpreter, three thousand dollars.

For salary of the interpreter to the legation to Japan, two thousand five hundred dollars.

For contingent expenses of all the missions abroad, sixty thousand dollars.

Contingent expenses.

For contingent expenses of foreign intercourse, eighty thousand dollars.

- Barbary Powers. For expenses of intercourse with the Barbary Powers, three thousand dollars.
- Consulates in the Turkish dominions. For expenses of the consulates in the Turkish dominions, namely, interpreters, guards, and other expenses of the consulates at Constantinople, Smyrna, Candia, Alexandria, and Beirut, two thousand five hundred dollars.
- American seamen. For the relief and protection of American seamen in foreign countries, two hundred thousand dollars.
- Cemetery at Constantinople. For the contribution of the United States to the completion of a new cemetery at Constantinople, to receive the remains of American citizens transferred from an old burial-place, and also as a place for future interments, eighteen hundred dollars.
- Rewards to masters, &c., for rescuing, &c. For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing citizens of the United States from shipwreck, five thousand dollars.
- Blank books, stationery, &c. For the purchase of blank books, stationery, book-cases; arms of the United States, seals, presses, and flags, and for the payment of postages, and miscellaneous expenses of the consuls of the United States, including loss by exchange, sixty thousand dollars.
- Office-rent of certain consuls-general, &c. For office-rent for those consuls-general, consuls, and commercial agents who are not allowed to trade, including loss by exchange thereon, fifty thousand dollars.
- Salaries of consuls-general and consuls. For salaries of consuls-general, consuls, commercial agents, and thirteen consular clerks, namely:—

I. CONSULATES-GENERAL.

SCHEDULE B.

- Consulates-general. Alexandria, Calcutta, Constantinople, Frankfort-on-the-Main, Havana, Montreal, Shanghai; and the consul-general at Alexandria shall have the name and title of agent and consul-general.

III. CONSULATES.

SCHEDULE B.

- Consulates. Acapulco, Aix-la-Chapelle, Algiers, Amoy, Amsterdam, Antwerp, Aspinwall, Aux Cayes, Bahia, Barcelona, Bankok, Basle, Belfast, Beirut, Bergen, *Burmuda*, [Bermuda,] Bilbao, Buenos Ayres, Bordeaux, Bremen, Bristol, Brindisi, Boulogne, Cadiz, Callao, Candia, Canton, Cardiff, Chin-Kiang, Clifton, Coaticook, Cork, Curaçoa, Demarara, Dundee, Elsinore, Erie, Foo-Choo, Funchal, Galatz, Gaspé Basin, Geneva, Genoa, Gibraltar, Glasgow, Goderich, Gottenburg, Guaymas, Halifax, Hamburg, Havre, Honolulu, Hong-Kong, Jerusalem, Kanagawa, Kingston, Kingston in Canada, La Rochelle, Laguayra, Lahaina, La Paz, La Union, Leeds, Leghorn, Leipsic, Lisbon, Liverpool, London, Lyons, Macao, Malaga, Malta, Manchester, Manzanillo, Maracaibo, Matanzas, Marseilles, Mauritius, Melbourne, Messina, Moscow, Munich, Nagasaki, Nantes, Naples, Nassau, W. I., Newcastle, Nice, Odessa, Oporto, Palermo, Panama, Paramaribo, Paris, Pernambuco, Pictou, Ponce, Port Mahon, Prescott, Prince Edward Island, Quebec, Revel, Rio de Janeiro, Rotterdam, San Juan del Sur, San Juan, (Porto Rico,) Santander, Santiago de Cuba, Santos, Port Sarnia, Scio, Singapore, Smyrna, Southampton, Stockholm, St. John, N. F., St. John, N. B., St. Lambert and Longueuil, St. Petersburg, St. Pierre, (Martinique,) St. Thomas, Stuttgart, Swatow, St. Helena, Tabasco, Tampico, Tangier, *Tehuantepec*, [Tehuantepec,] Toronto, Trieste, Trinidad de Cuba, Trinidad, Tripoli, Tunis, Turk's Island, Valparaiso, Valencia, Venice, Vera Cruz, Vienna, Windsor, Zurich.

IV. COMMERCIAL AGENCIES.

SCHEDULE B.

Amoor River, Antigua, Balize, (Honduras,) Gaboon, Madagascar, San Juan del Norte, St. Domingo, St. Marc. Commercial agencies.

V. CONSULATES.

SCHEDULE C.

Barbadoes, Batavia, Bay of Islands, Cape Haytien, Cape Town, Carthagen, Ceylon, Cobija, Cyprus, Falkland Islands, Fayal, Guayaquil, Lanthala, Maranham, Matamoros, Mexico, Montevideo, Omoa, Payta, Para, Paso del Norte, Rio Grande, Sabanilla, St. Catherine, Santa Cruz, W. I., Santiago, (Cape Verde,) Spezzia, Stettin, Tahiti, Talcahuano, Tumbes, Zanzibar. Consulates.

VI. COMMERCIAL AGENCIES.

SCHEDULE C.

Apia, St. Paul de Loando, including loss by exchange thereon, four hundred and seventy-seven thousand five hundred dollars. And the salaries of the consuls at Brindisi, Gibraltar, St. Helena, Boulogne, Zurich, Clifton, Coaticook, Erie, Goderich, Kingston in Canada, Port Sarnia, Prescott, St. Lambert and Longueuil, Toronto and Windsor, shall be fifteen hundred dollars each; and the salaries of the consuls at Ceylon and Piraeus shall be one thousand dollars each; and the salary of the consul at Chin-Kiang shall be three thousand dollars; and the salary of the consul at Bankok shall be two thousand dollars; and the salary of the commercial agent at Madagascar shall be two thousand dollars; and the salary of the consul at Nassau shall be four thousand dollars, to commence after the close of the present fiscal year, and to continue during the present rebellion; and the salary of the consul at Lyons shall be two thousand dollars, to commence after the close of the present fiscal year; and the salary of the consul at Manchester shall be three thousand dollars, to commence after the close of the present fiscal year. Commercial agencies.
Salaries of certain consuls:
of consul at Ceylon,
Piraeus,
Chin-Kiang,
Bankok,
Madagascar,
Nassau,
Lyons,
Manchester.

For interpreters to the consulates in China, including loss by exchange thereon, five thousand eight hundred dollars. Interpreters to consulates in China.

For expenses incurred, under instructions from the Secretary of State, in bringing home from foreign countries persons charged with crime, and expenses incident thereto, ten thousand dollars. Bringing home persons charged with crime.

For salaries of the marshals for the consular courts in Japan, China, Siam, and Turkey, including loss by exchange thereon, nine thousand dollars. Marshals of consular courts.

For rent of prisons for American convicts in Japan, China, Siam, and Turkey, and for wages of the keepers of the same, nine thousand dollars. Prisons for American convicts.

For salaries of commissioners and consuls-general to Hayti and Liberia, eleven thousand five hundred dollars. Commissioners, &c., to Hayti and Liberia.

For expenses under the act of congress to carry into effect the treaty between the United States and her Britannic Majesty for the suppression of the African slave-trade, seventeen thousand dollars. Suppression of African slave-trade.

SEC. 2. *And be it further enacted,* That the President be, and is hereby, authorized, whenever he shall think the public good will be promoted thereby, to appoint consular clerks, not exceeding thirteen in number at any one time, who shall be citizens of the United States, and over eighteen years of age at the time of their appointment, and shall be entitled to compensation for their services respectively at a rate not exceeding one thousand dollars per annum, to be determined by the President; and to assign such clerks, from time to time, to such consulates and with such duties as he shall direct; and before the appointment of any such 1862, ch. 140.
Vol. xii., p. 531.
President may appoint consular clerks.
Age and pay.
Duties.

Consular clerks.

Examination.

Not to be removed except for cause.

Repeal of § 3 of act of 1859, ch. 75.

Vol. xi. p. 404.

Fees of consul-general for British N. A. provinces, and subordinates, for certifying invoices, &c.

Certificate of growth not required in certain cases.

Office of commercial agent at Hakodadi may be changed to that of consul.

1356, ch. 127. Vol. xi. p. 52.

clerk shall be made, it shall be satisfactorily shown to the Secretary of State, after due examination and report by an examining board, that the applicant is qualified and fit for the duties to which he shall be assigned; and such report shall be laid before the President. And no clerk so appointed shall be removed from office except for cause stated in writing, which shall be submitted to congress at the session first following such removal.

SEC. 3. *And be it further enacted*, That the third section of an act entitled "An act making appropriations for the consular and diplomatic expenses of the government for the year ending the thirtieth of June, eighteen hundred and sixty," approved March third, eighteen hundred and fifty-nine, is hereby repealed. And the fee for certifying invoices to be charged by the consul-general for the British North American Provinces, and his subordinate consular officers and agents, for goods not exceeding one hundred dollars in value, shall be one dollar, and the same fee shall be charged for certifying the growth or production of goods made duty free by the reciprocity treaty: *Provided, however*, That no such certificate of growth or production shall be required for goods not exceeding in value the sum of two hundred dollars.

SEC. 4. *And be it further enacted*, That the office of commercial agent at Hakodadi, Japan, may, at the discretion of the Secretary of State, be changed to that of consul, to be classed with consuls other than those named in schedule B and C in the act approved August eighteen, eighteen hundred and fifty-six.

APPROVED, June 20, 1864.

June 20, 1864.

CHAP. CXXXVII. — *An Act granting Lands to the State of Michigan for the Construction of certain Wagon-Roads for Military and Postal Purposes.*

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, granted to the State of Michigan, for the construction of a wagon-road for military and postal purposes, from Saginaw City, in said state, by the shortest and most feasible route to the Straits of Mackinaw, every alternate or odd section of public land not mineral, for three miles in width on each side of said road to the extent of three sections to the mile. Also for a road from Grand Rapids, in said state, through Newaygo, Traverse City, and Little Traverse, to the Straits of Mackinaw, every alternate or odd section of public land, not mineral, for three sections in width on each side of said road to the extent of three sections to the mile. And it is hereby provided that in case it shall appear that the United States shall have (when the lines or routes of said roads are definitely established) sold or reserved any sections or parts of sections, granted as aforesaid, or that the rights of preëmption or homestead have attached to the same, so as to leave a deficiency in the amount to be selected within the limits designated, then it shall be the duty of the Secretary of the Interior to select such lands from the odd sections, or parts of sections, nearest to the three-mile limits aforesaid, such quantity as shall be necessary to make up the deficiency thus created: *Provided, further*, That the lands hereby granted shall be exclusively reserved, held, and applied in the construction of said roads, and shall be appropriated and disposed of only as the work progresses, in quantities and under such regulations and restrictions as the state shall provide; and in no event shall they be appropriated or disposed of for any other purpose whatsoever.

SEC. 2. *And be it further enacted*, That any and all lands heretofore reserved to the United States by any act of congress, or in any other manner by competent authority, for any public work, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operation of this act, except so far as it may be necessary

Lands granted to Michigan for wagon-road from Saginaw to the Straits of Mackinaw;

from Grand Rapids to Straits of Mackinaw.

If any lands granted are reserved, others to be given in lieu thereof.

Lands, how to be applied and disposed of.

Lands heretofore reserved, excepted from the operation of this act.

to locate the routes of said roads through such reserved lands; in which case the rights of way shall be, and are hereby, granted, subject to the approval of the President of the United States.

Rights of way granted.

SEC. 3. *And be it further enacted*, That said roads shall be located, surveyed, and constructed, under the direction of such agents or commissioners as the governor may appoint, and shall be chopped out a uniform width of at least six rods. The road-bed proper to be not less than thirty-two feet wide, and constructed with ample ditches on both sides, so as to afford sufficient drains, with good and substantial bridges and proper culverts and sluices where necessary. All stumps and roots to be thoroughly grubbed out between the ditches the entire length of said road, the central portion of which to be sufficiently raised to afford a dry road-bed by means of drainage from the centre to the side ditches; the hills to be levelled and valleys raised so as to make as easy a grade as practicable.

Wagon-roads, how located and constructed.

SEC. 4. *And be it further enacted*, That when the governor of the State of Michigan shall furnish the Secretary of the Interior with maps and charts showing the definite location of the line of each of said roads, it shall be his duty to have the land granted to each of said roads withheld from market, and reserved exclusively for the purposes aforesaid. And when the said governor shall certify to the Secretary of the Interior that any ten consecutive miles of either of said roads have been completed under the provisions of this act, and in accordance with the third section thereof, stating definitely where said completed section of road commences and where it terminates, it shall be the duty of the said secretary to cause patents to issue to said state for three sections of land for each mile of road thus completed, as aforesaid, and so on until the whole of said roads is completed: *Provided*, That no patents shall be given for any of the aforesaid lands before the completion of ten consecutive miles of road, or for any road, or for any part of any road, made before the passage of this act, or for any greater quantity than thirty sections for each ten miles completed according to the provisions of this act. Nothing in this proviso, however, shall be construed so as to prevent the application of so much of the said three sections per mile as may be necessary to finish any part of said roads partly made before the passage of this act.

Land granted, when to be withheld from market.

Patents for granted lands, when to issue. Proviso.

SEC. 5. *And be it further enacted*, That this grant is made upon the express conditions that the roads shall be and remain public highways, free from all toll and other charges; and that if any portion of said roads shall remain uncompleted for a period of more than five years from the approval of this act by the President, the lands granted for such portion shall revert to the United States.

Express conditions of grant.

Roads to be public highways, and be completed in five years.

APPROVED, June 20, 1864.

CHAP. CXXXVIII. — *An Act to amend an Act entitled "An Act to provide for the Payment of the Claims of Peruvian Citizens, under the Convention between the United States and Peru of the twelfth of January, eighteen hundred and sixty-three," approved June first, eighteen hundred and sixty-four.*

June 20, 1864.

1864, ch. 101. Ante, p. 95.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled An act to provide for the payment of the claims of Peruvian citizens, under the convention between the United States and, Peru of the twelfth of January, eighteen hundred and sixty-three, approved June first, eighteen hundred and sixty-four, be amended as follows: after the word January strike out the word last, and insert in lieu thereof the words eighteen hundred and sixty-three, and said law be, and is hereby, further amended so as to authorize the Secretary of State to pay to each of the persons mentioned in said act the interest that may be found due in accordance

Amendment of act providing for the payment of claims of Peruvian citizens.

with the terms of the settlement of said claims, and the sum necessary for such payment is hereby appropriated out of any money in the treasury not otherwise appropriated.

APPROVED, June 20, 1864.

June 20, 1864.

CHAP. CXXXIX. — *An Act requiring Proof of Payment of Duties on foreign Salt before Payment of the Allowances provided for by the Acts of July twenty-ninth, eighteen hundred and thirteen, and March third, eighteen hundred and nineteen.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the allowance of bounty to certain vessels employed in the bank and other cod fisheries, as provided for in the act of July twenty-ninth, eighteen hundred and thirteen, entitled "An act laying a duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries," and the act of March third, eighteen hundred and nineteen, amendatory thereof, shall not hereafter be paid to any such vessel until satisfactory proof shall have been furnished to the collector of customs charged with the payment of such bounty, that the import duty imposed by law on foreign salt imported into the United States has been duly paid on all foreign salt used in curing the fish on which the claim to the allowance of bounty is based.

APPROVED, June 20, 1864.

June 20, 1864.

CHAP. CXL. — *An Act to authorize the Secretary of the Treasury to sell the Marine Hospital and Grounds at Chicago, Illinois, and to purchase a new Site and build a new Hospital.*

Marine hospital and grounds at Chicago may be sold.

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, in his discretion, to sell the marine hospital and grounds at Chicago, Illinois, the sale to be made at public auction to the highest and best bidder therefor, in ready money, after giving notice thereof six weeks in succession in two daily papers printed in the city of Chicago. And upon sale being made, as aforesaid, the said Secretary of the Treasury is hereby authorized and empowered to make, execute, and deliver to the purchaser thereof a good and sufficient deed for the premises, conveying all the right, title, and interest of the United States.

Title to be given.

Proceeds to be applied to purchase better site for a marine hospital.

Possession of present hospital to be retained until, &c.

SEC. 2. *And be it further enacted,* That out of the proceeds of the said sale the Secretary of the Treasury is hereby directed to purchase a new and more eligible site for a marine hospital in or near Chicago, and erect a new hospital thereon, which site and building shall in no event cost more than the amount received from the sale of the hospital and grounds which are hereby authorized to be sold; and it is hereby provided that the possession of the said hospital and grounds shall be retained by the United States until the new hospital to be built under the provisions of this act shall be fully completed and ready for use.

APPROVED, June 20, 1864.

June 20, 1864.

1863, ch. 117.
Vol. xii. p. 808.

CHAP. CXLI. — *An Act to amend an Act entitled "An Act to provide a temporary Government for the Territory of Idaho," approved March third, eighteen hundred and sixty-three.*

Governor may reapportion the Territory of Idaho for members of legislative assembly.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the governor of the Territory of Idaho be, and he is hereby, authorized to reapportion said territory for the election of members of the council and house of representatives of the legislative assembly: *Provided,* That said apportionment shall be based on an enumeration of the inhabitants and qualified voters

of the several counties and districts of the territory, to be taken by such persons and in such mode as the governor shall designate and appoint, and the persons so appointed shall receive a reasonable compensation therefor, to be paid out of the territorial treasury: *Provided, further,* That this act shall not be construed to divest any member of the council elected at the first election in said territory, of any rights he may have acquired by virtue of said election, who was elected from any county or district within the present limits of the Territory of Idaho.

Basis of apportionment.

Rights of members elect not impaired.

SEC. 2. *And be it further enacted,* That the annual election in said territory for the election of all officers provided for by the laws of said territory, for the year eighteen hundred and sixty-four, shall be held at such places as is now provided by law, and such other places as the governor may direct on the second Monday of October.

Time of annual election in 1864.

APPROVED, June 20, 1864.

CHAP. CXLII. — *An Act to confirm certain Entries of Land in the State of Missouri.* June 20, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all entries heretofore made under the graduation act of August fourth, eighteen hundred and fifty-four, in township forty-five north, of range nine west, south of Missouri River, in the district of land subject to sale at St. Louis, Missouri, shall be, and are hereby, confirmed: *Provided, however,* That this act shall not extend to any entry of land aforesaid upon which there was an actual settler other than the purchaser at the date of such entry, and that it shall first be shown to the satisfaction of the Secretary of the Interior that the entry has been made in good faith, and is founded upon actual settlement and cultivation, or is for the use of an adjoining farm: *Provided, further,* That the lands shall be paid for in money, or in land warrants, to the amount of one dollar and twenty-five cents per acre.

Certain entries of land in Missouri confirmed. 1854, ch. 244. Vol. x. p. 574. Provisos.

APPROVED, June 20, 1864.

CHAP. CXLIII. — *An Act to detach the Counties of Calhoun and Branch from the Western Judicial District, and annex the same to the Eastern District of the State of Michigan.* June 20, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Calhoun and Branch, in the State of Michigan, be, and the same are hereby, detached from the western judicial district and annexed to and made a part of the eastern judicial district of said state.

Counties of Calhoun and Branch made part of eastern judicial district of Michigan.

SEC. 2. *And be it further enacted,* That this act shall not in any manner affect any suit or proceeding now pending in the courts in the western judicial district of the State of Michigan, but the same shall be proceeded in and determined in said courts in the same manner as if this act had not been passed.

Pending process not affected.

APPROVED, June 20, 1864.

CHAP. CXLIV. — *An Act concerning Lands in the State of California.* June 20, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, under the patent of the United States, issued on the 28th day of February, 1861, to Joseph S. Alemany, as the bishop of Monterey, and his successors, for the tract of land or rancho known as Canada de los Pinos, or College Rancho, situate in the County of Santa Barbara, State of California, as described in such patent, to have and to hold the same to him and them "in trust for the religious purposes and uses" therein mentioned, it shall be lawful for the said Joseph S. Alemany and his successors, as the grantees of said patent, to sell the said tract or rancho, or any part thereof, and all proper convey-

The land in Santa Barbara County, California, known as College Rancho, &c., may be sold, and proceeds applied in what manner.

ances in that behalf to make and deliver, and the proceeds thereof to apply, under the direction of the Roman Catholic archbishop of San Francisco, in the State of California, and his successors in office, or other proper authority of the Roman Catholic church in said state, for the purposes of education anywhere within said state, not inconsistent with the laws thereof; anything in such patent, or in the original grant or concession of said tract or rancho, or other title whereby the same was acquired from and under the authorities of Spain or Mexico, to the contrary notwithstanding; and all trusts, conditions, provisions, or covenants, precedent or subsequent, expressed or implied, in said patent, grant, concession, or title, to the contrary hereof, and all breaches of the same, are hereby wholly waived, abrogated, discharged, dispensed with, and released on the part of the United States, for the purposes of this act; and any conveyance or disposition made in pursuance thereof shall operate to pass all the right and interest of the United States in said lands to the grantee.

APPROVED, June 20, 1864.

Breaches of conditions, &c., waived by the United States.

June 20, 1864. CHAP. CXLV. — *An Act to increase the Pay of Soldiers in the United States Army, and for other Purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the first day of May, eighteen hundred and sixty-four, and during the continuance of the present rebellion, the pay per month of non-commissioned officers and privates in the military service of the United States shall be as follows, viz: Sergeant-majors, twenty-six dollars; quartermasters and commissary-sergeants of cavalry, artillery, and infantry, twenty-two dollars; first sergeants of cavalry, artillery, and infantry, twenty-four dollars; sergeants of cavalry, artillery, and infantry, twenty dollars; sergeants of ordnance, sappers and miners, and pontoniers, thirty-four dollars; corporals of ordnance, sappers and miners, and pontoniers, twenty dollars; privates of engineers and ordnance of the first class, eighteen dollars, and of the second class, sixteen dollars; corporals of cavalry, artillery, and infantry, eighteen dollars; chief buglers of cavalry, twenty-three dollars; buglers, sixteen dollars; farriers and blacksmiths of cavalry, and artificers of artillery, eighteen dollars; privates of cavalry, artillery, and infantry, sixteen dollars; principal musicians of artillery and infantry, twenty-two dollars; leaders of brigade and regimental bands, seventy-five dollars; musicians, sixteen dollars; hospital stewards of the first class, thirty-three dollars; hospital stewards of the second class, twenty-five dollars; hospital stewards of the third class, twenty-three dollars.

Pay of non-commissioned officers and privates in the military service of the United States.

["Musicians," to include what. Pub. Res. No. 68. Post, p. 416.]

Army ration to remain the same.

Ration of pepper.

1863, ch. 78, § 11. Vol. xii. p. 744.

Non-commissioned officers and privates in regular army, enlisted before July 22, 1861, may reenlist and have certain bounties. Pub. Res. No. 5. Post, p. 400.

SEC. 2. *And be it further enacted, That the army ration shall hereafter be the same as provided by law and regulations on the first day of July, eighteen hundred and sixty-one: Provided, That the ration of pepper prescribed in the eleventh section of the "Act to promote the efficiency of the corps of engineers and of the ordnance department, and for other purposes," approved March three, eighteen hundred and sixty-three, shall continue to be furnished as heretofore. But nothing contained in this act shall be construed to alter the commutation value of rations as regulated by existing laws.*

SEC. 3. *And be it further enacted, That all non-commissioned officers and privates in the regular army, serving under enlistments made prior to July twenty-second, eighteen hundred and sixty-one, shall have the privilege of reenlisting for the term of three years in their respective organizations until the first day of August next; and all such non-commissioned officers and privates so reenlisting shall be entitled to the bounties mentioned in the joint resolution of congress approved January thirteen, eighteen hundred and sixty-four.*

SEC. 4. *And be it further enacted, That there be added to the battalion*

of engineers one sergeant-major, who shall be paid thirty-six dollars per month, and one quartermaster-sergeant, who shall also be commissary-sergeant, who shall be paid twenty-two dollars per month.

Sergeant-major and quartermaster-sergeant to battalion of engineers; pay.

SEC. 5. *And be it further enacted*, That there shall be attached to, and made a part of, the War Department, during the continuance of the present rebellion, a bureau, to be known as the Bureau of Military Justice, to which shall be returned for revision the records and proceedings of all the courts-martial, courts of inquiry, and military commissions of the armies of the United States, and in which a record shall be kept of all proceedings had thereupon.

Bureau of military justice established.

SEC. 6. *And be it further enacted*, That the President shall appoint, by and with the advice and consent of the Senate, as the head of said bureau, a judge advocate-general, with the rank, pay, and allowances of a brigadier-general, and an assistant judge advocate-general, with the rank, pay, and allowances of a colonel of cavalry. And the said judge advocate-general and his assistant shall receive, revise, and have recorded the proceedings of the courts-martial, courts of inquiry, and military commissions of the armies of the United States, and perform such other duties as have heretofore been performed by the judge advocate-general of the armies of the United States.

Judge advocate-general to be head of bureau.
Assistant judge advocate-general.
Their duties.

SEC. 7. *And be it further enacted*, That the Secretary of War shall have power to appoint for said bureau one fourth-class, one third-class, one second-class, and two first-class clerks.

Clerks in said bureau.

SEC. 8. *And be it further enacted*, That in all cases where the government shall furnish transportation and subsistence to discharged officers and soldiers from the place of their discharge to the place of their enrolment or original muster into the service, they shall not be entitled to travel, pay, or commutation of subsistence.

When government furnishes transportation, &c., to discharged soldiers, they not entitled to travel, &c.

SEC. 9. *And be it further enacted*, That so much of the fifth section of the act entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting the public property," approved July twenty-second, one thousand eight hundred and sixty-one, as provides 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, is hereby repealed, except only so far as the same may hereafter be made to apply and relate to mounted troops called into the service of the United States for a term not exceeding six months.

Repeal of law allowing pay to officers and privates of cavalry furnishing horses and equipments.
1861, ch. ix. § 5.
Vol. xii. p. 259.

SEC. 10. *And be it further enacted*, That from and after the passage of this act the pay of clerks of paymasters in the army of the United States shall be twelve hundred dollars per annum, without rations.

Pay of clerks of army paymasters.

SEC. 11. *And be it further enacted*, That the thirty-first section of an act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March third, one thousand eight hundred and sixty-three, be, and the same is hereby, so amended as that an officer may have, when allowed by order of his proper commander, leave of absence for other cause than sickness or wounds, without deduction from his pay or allowances: *Provided*, That the aggregate of such absence shall not exceed thirty days in any one year.

Pay, &c., may be continued during leave of absence, under certain circumstances.

1863, ch. 75, § 31.
Vol. xii. p. 736.
Proviso.
Pub. Res. No. 67.
Post, p. 416.
Repealing clause.

SEC. 12. *And be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

APPROVED, June 20, 1864.

CHAP. CXLVII. — *An Act making Appropriations for the Legislative, Executive, and Judicial Expenses of the Government for the Year ending June thirtieth, eighteen hundred and sixty-five, and for other Purposes.*

June 25, 1864.

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

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Legislative, executive, &c., expenses appropriation.

Legislative. Pay, &c., of senators; of officers of Senate.

the same are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the objects hereinafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty-five, namely:

Legislative. — For compensation and mileage of senators, two hundred and forty-seven thousand four hundred and thirty dollars.

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate, viz: secretary of the Senate, three thousand six hundred dollars; officer charged with disbursements of the Senate, four hundred and eighty dollars; chief clerk, two thousand five hundred dollars; principal clerk and principal executive clerk in the office of the secretary of the Senate, at two thousand one hundred and sixty dollars each; eight clerks in office of the secretary of the Senate, at one thousand eight hundred and fifty dollars each; keeper of the stationery, one thousand seven hundred and fifty-two dollars; two messengers, at one thousand and eighty dollars each; one page, at five hundred dollars; sergeant-at-arms and doorkeeper, two thousand dollars; assistant doorkeeper, one thousand seven hundred dollars; postmaster to the Senate, one thousand seven hundred and fifty dollars; assistant postmaster and mail-carrier, one thousand four hundred and forty dollars; two mail-boys, at nine hundred dollars each; superintendent of the document room, one thousand five hundred dollars; two assistants in document room, at one thousand two hundred dollars each; superintendent of the folding-room, one thousand five hundred dollars; two messengers, acting as assistant doorkeepers, at one thousand five hundred dollars each; seventeen messengers, at one thousand two hundred dollars each; clerk or secretary to the president of the Senate, one thousand seven hundred and fifty-two dollars; clerk to the committee on finance, one thousand eight hundred and fifty dollars; clerk to the committee on claims, one thousand eight hundred and fifty dollars; clerk of printing records, one thousand eight hundred and fifty dollars; superintendent in charge of the furnaces, one thousand two hundred dollars; assistant in charge of furnaces, six hundred dollars; laborer in charge of private passages, six hundred dollars; two laborers at six hundred dollars each; chaplain to the Senate, seven hundred and fifty dollars; captain of the capitol police, eight hundred and seventy dollars; capitol police, eleven thousand eight hundred and eighty dollars; one policeman four hundred and eighty dollars, making ninety-two thousand four hundred and eighty-four dollars.

Contingent expenses.

For contingent expenses of the Senate, viz: —

Stationery.

For stationery, twenty-two thousand dollars.

Newspapers.

For newspapers, three thousand dollars.

Globe.

For Congressional Globe, twenty thousand dollars.

For reporting proceedings in the Daily Globe for the second session of the thirty-eighth congress, twelve thousand dollars.

Additional pay to reporters.

For the usual additional compensation to the reporters of the Senate for the Congressional Globe for reporting the proceedings of the Senate for the second regular session of the thirty-eight congress, eight hundred dollars each, four thousand dollars.

Pages, horses, &c.

For clerks to committees, pages, horses, and carryalls, eighteen thousand dollars.

Heating and ventilating.

For expenses of heating and ventilating apparatus, sixteen thousand dollars.

For miscellaneous items, thirty-five thousand dollars.

Pay, &c., of representatives;

For compensation and mileage of members of the House of Representatives and delegates from territories, nine hundred and ninety thousand eight hundred and sixty dollars.

of officers of House.

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives, viz clerk of the House of Representatives, three thousand six hundred dollars; chief clerk and one assistant clerk, at two thousand one hundred

and sixty dollars each; eleven clerks, at one thousand eight hundred dollars each; principal messenger in the office, at four dollars and eighty cents per day, one thousand seven hundred and fifty-two dollars; three messengers, at one thousand two hundred dollars each; messenger to the speaker, at four dollars and eighty cents per day, one thousand seven hundred and fifty-two dollars; clerk to the committee of ways and means, one thousand eight hundred dollars; clerk to the committee of claims, one thousand eight hundred dollars; clerk to committee on public lands, one thousand eight hundred dollars; sergeant-at-arms, two thousand one hundred and sixty dollars; clerk to the sergeant-at-arms, one thousand eight hundred dollars; messenger to the sergeant-at-arms, one thousand two hundred dollars; postmaster, two thousand one hundred and sixty dollars; assistant postmaster, one thousand seven hundred and forty dollars; four messengers, at one thousand four hundred and forty dollars each; two mail-boys, at nine hundred dollars each; captain of the capitol police, eight hundred and seventy dollars; capitol police, eleven thousand eight hundred and eighty dollars; one policeman, four hundred and eighty dollars; doorkeeper, two thousand one hundred and sixty dollars; superintendent of the folding-room, one thousand eight hundred dollars; two messengers, at one thousand seven hundred and fifty-two dollars each; one messenger, at one thousand seven hundred and forty dollars; five messengers, at one thousand five hundred dollars each; six messengers, at one thousand two hundred dollars each; twelve messengers, to be employed during the session of congress, at the rate of one thousand two hundred dollars per annum; chaplain to the House of Representatives, seven hundred and fifty dollars; making ninety-eight thousand three hundred and twenty-eight dollars.

For contingent expenses of the House of Representatives, viz:—

For cartage, two thousand dollars.

For twenty-four copies of the Congressional Globe and Appendix for each member and delegate of the second regular session of the thirty-eighth congress, and one hundred copies of the same for the House Library, twenty thousand dollars.

For the compensation of clerks to committees, and temporary clerks in the office of the clerk of the House of Representatives, fifteen thousand and seventy-two dollars.

For folding documents, including materials, thirty thousand dollars.

For fuel and lights, pay of engineers, firemen, and laborers, repairs, and materials, twelve thousand dollars.

For furniture, repairs, and packing-boxes for members, twelve thousand dollars.

For horses, carriages, and saddle-horses, seven thousand five hundred dollars.

For laborers, seven thousand dollars.

For miscellaneous items, forty thousand dollars.

For newspapers, twelve thousand five hundred dollars.

For pages and temporary mail-boys, five thousand dollars.

For reporting and publishing proceedings in the Daily Globe, at seven dollars and fifty cents per column, eight thousand dollars.

For stationery, fifteen thousand dollars.

For the usual additional compensation to the reporters of the House for the Congressional Globe for reporting the proceedings of the House for the second regular session of the thirty-eighth Congress, eight hundred dollars each, four thousand dollars.

Public Printing.—For compensation of the superintendent of public printing, and the clerks and messengers in his office, nine thousand seven hundred and fourteen dollars and sixty cents.

For contingent expenses of his office, viz: For stationery, postage, advertising, furniture, travelling expenses, horses and wagons, and miscellaneous items, two thousand dollars.

Contingent ex-
penses.
Cartage.
Globe.

Clerks.

Folding docu-
ments.
Fuel, lights,
&c.

Furniture, &c.

Horses, &c.

Laborers.

Newspapers.

Pages.

Globe.

Stationery.
Additional pay
to reporters.

Public printing.

- For the public printing, including the post-office blanks, two hundred and thirty-nine thousand one hundred and eighty-seven dollars.
- Paper for printing. For paper for the public printing, four hundred and sixty-five thousand one hundred and seventy-eight dollars.
- Binding. For the public binding, including the Congressional Globe, two hundred and fifty-two thousand two hundred and seven dollars.
- Lithographing, &c. For lithographing and engraving for the Senate and House of Representatives, fifty thousand dollars.
- Mapping. For mapping in cases pending in the supreme court of the United States, five thousand dollars.
- Library of Congress. *Library of Congress.* — For compensation of librarian, three assistant librarians, messenger, and three laborers, ten thousand five hundred dollars.
- For contingent expenses of said library, two thousand dollars.
- For purchase of books for said library, five thousand dollars.
- For purchase of law-books for said library, two thousand dollars.
- European periodicals relating to the rebellion. To enable the joint library committee to purchase a complete file of selections from European periodicals from eighteen hundred and sixty-one to eighteen hundred and sixty-four, relating to the rebellion in the United States, to be deposited in the library, four thousand dollars: *Provided*, That no part of said sum shall be expended until the entire collection, and an index thereto, is completed and approved by said committee.
- Court of claims. *Court of Claims.* — For salaries of five judges of the court of claims, the solicitor, assistant solicitor, deputy solicitor, clerk and assistant clerk, bailiff, and messenger thereof, thirty-six thousand three hundred dollars.
- For stationery, books, fuel, lights, laborers' hire, and other contingent and miscellaneous expenses, three thousand dollars.
- For compensation of attorneys to attend to taking testimony, witnesses, and commissioners, one thousand dollars.
- For payments of judgments to be rendered by court of claims, previous to the thirtieth of June, eighteen hundred and sixty-five, three hundred thousand dollars.
- Executive. *Executive.* — For compensation of the President of the United States, President. twenty-five thousand dollars.
- Vice-President. For compensation of the Vice-President of the United States, eight thousand dollars.
- Secretaries, &c. For compensation of secretary to sign patents for public lands, one thousand five hundred dollars.
- For compensation to the private secretary, steward, and messenger of the President of the United States, four thousand six hundred dollars.
- For contingent expenses of the Executive office, including stationery therefor, two thousand dollars.
- State Department. *Department of State.* — For compensation of the Secretary of State and assistant secretary of state, chief clerk, superintendent of statistics, clerks, messenger, assistant messenger, and laborers in his office, fifty-seven thousand eight hundred dollars.
- Contingent expenses. *For the incidental and contingent expenses of the Department of State.* Publishing laws, &c. — For publishing the laws in pamphlet form and in newspapers of the states and territories, and in the city of Washington, seventeen thousand one hundred and twenty-five dollars.
- For proof-reading, and packing the laws and documents for the various legations and consulates, including boxes and transportation of the same, three thousand dollars.
- For stationery, furniture, fixtures, and repairs, nine thousand dollars.
- For miscellaneous items, two thousand five hundred dollars.
- For copperplate printing, books, and maps, five thousand dollars.
- For extra clerk hire and copying, ten thousand dollars.
- Northeast executive building. *Northeast Executive Building.* — For compensation of four watchmen

and two laborers of the northeast executive building, three thousand six hundred dollars.

For contingent expenses of said building, viz : for fuel, light, repairs, and miscellaneous expenses, five thousand five hundred dollars.

Treasury Department. — For compensation of the Secretary of the Treasury, two assistant secretaries of the treasury, chief clerk, clerks, superintending architect, at a salary of three thousand dollars, assistant architect, at a salary of two thousand dollars, messengers, assistant messenger, and laborers, one hundred and sixteen thousand four hundred dollars. Treasury Department.

For compensation of the first comptroller, chief clerk, and the clerks, messenger, and laborers in his office, forty-three thousand three hundred and forty dollars. 1st comptroller.

For compensation of the second comptroller, chief clerk, and the clerks, messenger, assistant messenger, and laborer in his office, one hundred and seven thousand one hundred and forty dollars. 2d comptroller.

For compensation of the first auditor, chief clerk, and the clerks, messenger, assistant messenger, and laborer in his office, forty-seven thousand nine hundred and forty dollars. 1st auditor.

For compensation of the second auditor, chief clerk, and the clerks, messenger, assistant messengers, and laborers in his office, three hundred and thirty-seven thousand three hundred and forty dollars. 2d auditor.

For compensation of the third auditor, chief clerk, and the clerks, messengers, assistant messengers, and laborers in his office, two hundred thousand one hundred and forty dollars. 3d auditor.

For compensation of the fourth auditor, chief clerk, and the clerks, messenger, and assistant messenger, and laborer in his office, one hundred and ten thousand five hundred and forty dollars. 4th auditor.

For compensation of the fifth auditor, chief clerk, and the clerks, messenger, and laborer in his office, forty-seven thousand eight hundred and forty dollars. 5th auditor.

For compensation of the auditor of the treasury for the Post-Office Department, and the clerks, messenger, assistant messenger, and laborers in his office, one hundred and eighty-two thousand seven hundred and forty dollars. Auditor for P. O. Department.

For compensation of the treasurer of the United States, assistant treasurer, cashier, assistant cashier, chiefs of divisions, chief clerk, and the officers, clerks, messengers, employees, assistant messengers, and laborers in his office, one hundred and seventy thousand three hundred and forty dollars. Treasurer.

For compensation of the register of the treasury, assistant register, chief clerk, and the clerks, messengers, assistant messenger, and laborers in his office, ninety thousand eight hundred and forty dollars. Register.

For compensation of the solicitor of the treasury, chief clerk, and the clerks and messenger in his office, eighteen thousand three hundred and forty dollars. Solicitor.

For compensation of the commissioner of customs, chief clerk, and the clerks, messenger, and laborer in his office, twenty-eight thousand nine hundred and ninety-three dollars and eighty-nine cents. Commissioner of customs.

For compensation of the chief clerk, clerks, messenger, and laborer of the light-house board, nine thousand two hundred and forty dollars. Light-house board.

For compensation of the comptroller of the currency, deputy comptroller, clerks, messenger, and laborer, forty-three thousand two hundred and forty dollars. Comptroller of the currency.

Contingent Expenses of the Treasury Department. —

In the office of the Secretary of the Treasury :

For copying, labor, binding, sealing ships' registers, translating foreign languages, advertising, and extra clerk-hire for preparing and collecting information to be laid before congress, and for miscellaneous items, thirty thousand dollars. Contingent expenses of Treasury Department.

Compensation of temporary clerks.

Clerks may be classified, &c.

For compensation of temporary clerks in the Treasury Department: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized in his discretion, to classify the clerks authorized according to the character of their services, or assign to such of them as he shall see fit any compensation not exceeding that of clerks of the first class, one hundred thousand dollars.

Contingent expenses in office of 1st comptroller;

In the office of the first comptroller :
For furniture, stationery, public documents, state and territorial statutes, and miscellaneous items, one thousand five hundred dollars.

of 2d comptroller;

In the office of the second comptroller :
For stationery and miscellaneous items, including subscription to one city newspaper, to be bound and preserved for the use of the office, one thousand five hundred dollars.

of 1st auditor;

In the office of the first auditor :
For stationery and miscellaneous items, one thousand three hundred dollars.

of 2d auditor;

In the office of the second auditor :
For stationery, office furniture, and miscellaneous items, including two of the city newspapers, to be filed and preserved for the use of the office, and for additional office furniture and stationery, fifteen thousand dollars.

of 3d auditor;

In the office of the third auditor :
For stationery, office furniture, carpeting, two newspapers, preserving files and papers, bounty-land service, and miscellaneous items, four thousand dollars.

of 4th auditor;

In the office of the fourth auditor :
For contingent expenses of the office, one thousand five hundred dollars.

of 5th auditor;

In the office of the fifth auditor :
For stationery, postage, and miscellaneous expenses, in which are included two daily newspapers, one thousand five hundred dollars.

of auditor for P.-O. Department;

In the office of the auditor of the treasury for the Post-Office Department :

For furniture, carpeting, stationery, labor, light, ice, and miscellaneous items, three thousand dollars.

of treasurer;

In the office of the treasurer :
For contingent expenses of the office, and to meet increase of expenditures mainly consequent upon the increase of business and the completion of new rooms, five thousand dollars.

of register;

In the office of the register :
For stationery, arranging and binding cancelled marine papers, cases for official papers and records, and miscellaneous items, including office furniture, six thousand dollars.

of solicitor;

Office of the solicitor of the treasury :
For stationery, labor, and miscellaneous items, and for statutes and reports, two thousand dollars.

of commissioner of customs;

Office of the commissioner of customs :
For stationery, miscellaneous items, and office furniture, one thousand dollars.

of light-house board;

Light-house board :
For stationery, miscellaneous expenses, and postage, six hundred dollars.

of comptroller of the currency;

Office of the comptroller of the currency :
For stationery, furniture, and miscellaneous items, six thousand dollars.

Southeast executive building.

For the general purposes of the southeast executive building, including the extension. — For compensation of twelve watchmen and eleven laborers of the southeast executive building, thirteen thousand eight hundred dollars.

For contingent expenses of said building, viz: for fuel, light, labor, and miscellaneous items, fifty-six thousand eight hundred and ten dollars.

Department of the Interior. — For compensation of the Secretary of the Interior, assistant secretary, chief clerk, and the clerks, messenger, assistant messengers, watchmen, and laborers in his office, forty-five thousand nine hundred dollars. Department of the Interior.
Pay of secretary, &c.;

For compensation of the commissioner of the general land-office, chief clerk, recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, packers, watchmen, and laborers in his office, one hundred and seventy-five thousand four hundred and forty dollars. of commissioner of general land-office;

For compensation of additional clerks in the general land office, under the act of third March, one thousand eight hundred and fifty-five, granting bounty land, and for laborers employed therein, fifty-eight thousand four hundred dollars : *Provided*, That the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, week, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of twelve hundred dollars per annum. of additional clerks;
1855, ch. 207.
Vol. x. p. 701.

For compensation of the commissioner of Indian affairs, chief clerk, and the clerks, messenger, assistant messenger, watchmen, and laborer in his office, thirty-one thousand nine hundred and forty dollars. of commissioner of Indian affairs;

For compensation of the commissioner of pensions, chief clerk, and the clerks, messengers, assistant messengers, watchman, and laborers in his office, two hundred and fifteen thousand three hundred and forty dollars. of commissioner of pensions;

For additional clerks in the pension bureau, during the remainder of the present fiscal year and the fiscal year ending the thirtieth day of June, eighteen hundred and sixty-five, the sum of twenty-one thousand dollars : *Provided*, That the Secretary of the Interior, at his discretion, shall be, and is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, week, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of twelve hundred dollars per annum. of additional clerks.

For salary and travelling expenses of a special agent, two thousand five hundred dollars.

For compensation of the commissioner of public buildings and the clerk and messenger in his office, four thousand two hundred dollars. of commissioner of public buildings.

Contingent Expenses — Department of the Interior.

Office of the Secretary of the Interior :

For stationery, furniture, fuel, lights, and other contingencies, and for books and maps for the library, seven thousand dollars. Contingent expenses.
Office of Secretary of Interior;

For casual repairs of the patent-office building, three thousand dollars.

For expenses of packing and distributing congressional journals and documents, in pursuance of the provisions contained in the joint resolution of congress, approved twenty-eighth January, eighteen hundred and fifty-seven, and act fifth February, eighteen hundred and fifty-nine, six thousand dollars. Vol. xi. p. 253.
1859, ch. 22.
Vol. xi. p. 379.

For fuel and lights for the patent-office building, fourteen thousand dollars.

Office of Indian Affairs :

For stationery, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office, four thousand dollars. of Indian affairs;

Office of the Commissioner of Pensions :

For stationery, engraving, and retouching plates for bounty land warrants, and binding the same, office furniture, and repairing the same, and miscellaneous items, including two city daily newspapers, to be filed, bound, and preserved for the use of the office, twelve thousand dollars. of commissioner of pensions;

Office of the Commissioner of Public Buildings :

For stationery, plans, drawings, and other contingent expenses of his office, five hundred dollars. Office of commissioner of public buildings.

Surveyors-general and their clerks.

Surveyors-General and their Clerks. — For compensation of the surveyor-general of Wisconsin and Iowa, and the clerks in his office, seven thousand six hundred and twenty-one dollars.

For compensation of the surveyor-general of Oregon, and the clerks in his office, eight thousand eight hundred dollars.

For compensation of the surveyor-general of California and Nevada, and the clerks in his office, fifteen thousand five hundred dollars.

For compensation of the surveyor-general of Washington Territory, and the clerks in his office, eight thousand eight hundred dollars.

For compensation of the surveyor-general of New Mexico, and the clerks in his office, four thousand dollars.

For compensation of translator in the office of the surveyor-general of New Mexico, five hundred dollars.

For compensation of the surveyor-general of Kansas and Nebraska, and the clerks in his office, ten thousand dollars.

For compensation of the surveyor-general of Minnesota, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor-general of the Territories of Colorado and Utah, and the clerks in his office, seven thousand dollars.

For compensation of the surveyor-general of the Territory of Dakota, and the clerks in his office, six thousand dollars.

For compensation of the surveyor-general of the Territory of Arizona, and the clerks in his office, seven thousand dollars.

For compensation of the surveyor-general of the Territory of Idaho, and the clerks in his office, six thousand five hundred dollars.

For compensation of recorder of land-titles in Missouri, five hundred dollars.

For compensation of clerks in the offices of the surveyors-general, to be apportioned to them according to the exigencies of the public service, and to be employed in transcribing field-notes of surveyors, for the purpose of preserving them at the seat of government, ten thousand dollars.

For rent of surveyor-general's office in Oregon, fuel, books, stationery, and other incidental expenses, including pay of messenger, five hundred dollars.

For rent of surveyor-general's office in California, fuel, books, stationery, and other incidental expenses, including pay of messenger, six thousand dollars.

For office-rent for the surveyor-general of Washington Territory, fuel, books, stationery, and other incidental expenses, one thousand six hundred dollars.

For office-rent of the surveyor-general of Kansas and Nebraska, fuel, and incidental expenses, one thousand five hundred dollars.

For rent of surveyor-general's office in the Territory of Dakota, fuel, books, stationery, and other incidental expenses, five hundred dollars.

For rent of surveyor-general's office in the Territory of Arizona, fuel, books, stationery, and other incidental expenses, three thousand dollars.

For rent of surveyor-general's office in the Territory of Idaho, fuel, books, stationery, and other incidental expenses, three thousand dollars.

Expenses of courts of the United States, safe-keeping of prisoners, and prosecution of crime.

Expenses of Courts of the United States. — For defraying the expenses of the supreme, circuit, and district courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the fiscal year ending June thirtieth, eighteen hundred and sixty-five, and previous years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safe-keeping of prisoners, five hundred thousand dollars.

War Department. — For compensation of the Secretary of War, Assistant Secretaries of War, solicitor, chief clerk, and the clerks, messenger, assistant messengers, and laborer in his office, sixty-six thousand three hundred and eighty dollars. War Department.

For compensation of the clerks and messengers in the office of the adjutant-general, two hundred and twenty-three thousand nine hundred and twenty dollars. Office of adjutant-general;

For compensation of the clerks, messengers, assistant messengers, and laborers, in the office of the quartermaster-general, three hundred and ninety thousand one hundred and sixty dollars. of quartermaster-general;

For compensation of the clerks and messengers in the office of the paymaster-general, two hundred and fifty-five thousand two hundred dollars. of paymaster-general;

For compensation of the clerks, messenger, and laborers in the office of the commissary-general, eighty-five thousand six hundred and forty dollars. of commissary-general;

For compensation of the clerks, messenger, and laborer in the office of the surgeon-general, forty-three thousand eight hundred and forty dollars. of surgeon-general;

For compensation of the clerks, messengers, and laborer in the office of the chief engineer, twenty-eight thousand eight hundred and eighty dollars. of chief engineer;

For compensation of the clerks and messenger in the office of the colonel of ordnance, one hundred and seventy-two thousand and forty dollars. of colonel of ordnance.

Contingent Expenses of the War Department.

Contingent expenses.

Office of the Secretary of War :

Office of Secretary of War;

For stationery, labor, books, maps, extra clerk-hire, and miscellaneous items, twenty thousand dollars.

Office of the Adjutant-General :

of adjutant-general;

For stationery and miscellaneous items, fifteen thousand dollars.

Office of the Quartermaster-General :

of quartermaster-general;

For stationery and miscellaneous items, fifteen thousand dollars.

Office of the Paymaster-General :

of paymaster-general;

For stationery and miscellaneous items, six thousand dollars.

Office of the Commissary-General :

of commissary-general;

For stationery, rent of office and hire of watchmen, and miscellaneous items, fifteen thousand dollars.

Office of the Chief Engineer :

of chief engineer;

For stationery and miscellaneous items, three thousand five hundred dollars.

Office of the Surgeon-General :

of surgeon-general;

For stationery and miscellaneous items, including rent of office, ten thousand dollars.

Office of the Colonel of Ordnance :

of colonel of ordnance.

For stationery and miscellaneous items, seven thousand five hundred dollars.

For the general purposes of the Northwest Executive Building. — For compensation of superintendent, four watchmen, and two laborers of the northwest executive building, three thousand eight hundred and fifty dollars. Northwest executive building.

For labor, fuel, light, and miscellaneous items, twenty thousand dollars.

For the general purposes of the building corner of F and Seventeenth Streets. — For compensation of superintendent, four watchmen, and two laborers for said building, three thousand eight hundred and fifty dollars. Building corner F and Seventeenth streets;

For fuel, compensation of firemen, and miscellaneous items, six thousand dollars.

For the general purposes of the building corner of F and Fifteenth streets. corner F and Fifteenth streets.

streets. — For superintendent, watchmen, rent, fuel, lights, and miscellaneous items, fifteen thousand dollars.

Navy Department.

Navy Department. — For compensation of the Secretary of the Navy, Assistant Secretary of the Navy, chief clerk, and the clerks, messenger, assistant messenger, and laborers in his office, forty-seven thousand four hundred dollars.

Bureau of yards and docks;

For compensation of the chief of the bureau of navy-yards and docks, and the civil engineer, chief clerk, clerks, messenger, and laborers in his office, nineteen thousand two hundred and forty dollars.

of equipment and recruiting;

For compensation of the chief of the bureau of equipment and recruiting, chief clerk, and the clerks, messenger, and laborer in his office, ten thousand seven hundred and forty dollars.

of navigation;

For compensation of the chief of the bureau of navigation, chief clerk, and the clerks, messenger, and laborer in his office, nine thousand eight hundred and forty dollars.

of ordnance;

For compensation of the chief of the bureau of ordnance, and the assistant, chief clerk, clerks, draughtsman, messenger, and laborers in his office, seventeen thousand two hundred and twenty dollars.

of construction and repair;

For compensation of the chief of the bureau of construction and repair, chief clerk, and the clerks, draughtsman, messenger, and laborer in his office, sixteen thousand three hundred and forty dollars.

of steam-engineering;

For compensation of the chief of the bureau of steam-engineering, chief clerk, and the clerks, draughtsmen, messenger, and laborer in his office, ten thousand seven hundred and forty dollars.

of provisions and clothing;

For compensation of the chief of the bureau of provisions and clothing, chief clerk, and the clerks, messenger, and laborer, eighteen thousand seven hundred and forty dollars.

of medicine and surgery;

For compensation of the chief of the bureau of medicine and surgery, assistant, and the clerks, messenger, and laborer in his office, ten thousand five hundred and forty dollars.

Contingent expenses.

Contingent Expenses of the Navy Department.

Office of Secretary of the Navy.

Office Secretary of the Navy :

For stationery, labor, newspapers, periodicals, and miscellaneous items, three thousand four hundred and forty dollars.

Bureau of yards and docks;

Bureau of Yards and Docks :

For stationery, plans, drawings, and incidental labor, eight hundred dollars.

of equipment and recruiting;

Bureau of Equipment and Recruiting :

For stationery and miscellaneous items, five hundred dollars.

of navigation;

Bureau of Navigation :

For stationery and miscellaneous items, eight hundred dollars.

of ordnance;

Bureau of Ordnance :

For stationery and miscellaneous items, one thousand dollars.

of construction and repair;

Bureau of Construction and Repair :

For stationery and miscellaneous items, one thousand dollars.

of steam-engineering;

Bureau of Steam-Engineering :

For stationery and miscellaneous items, one thousand two hundred dollars.

of provisions and clothing;

Bureau of Provisions and Clothing :

For stationery and miscellaneous items, one thousand dollars.

of medicine and surgery.

Bureau of Medicine and Surgery :

For stationery and miscellaneous items, four hundred and fifty dollars.

Southwest executive building.

For the General Purposes of the Southwest Executive Building. —

For compensation of five watchmen and two laborers of the southwest executive building, three thousand nine hundred and sixty dollars.

For contingent expenses of said building, viz : —

For labor, fuel, lights, and miscellaneous items, five thousand dollars.

Post-Office Department.

Post-Office Department. — For compensation of the Postmaster-General, three assistant Postmasters-General, chief clerk, and the clerks, messenger, assistant messengers, watchmen, and laborers of said depart-

ment, one hundred and fifty-eight thousand two hundred and twenty dollars.

For compensation of twenty-five additional clerks, twenty thousand dollars.

Contingent Expenses of the Post-Office Department. — For stationery, fuel for the general post-office building, including fuel for the auditor's office, oil, gas, and candles, printing, repair of the general post-office building, office furniture, glazing, painting, whitewashing, and for keeping the fireplaces and furnaces in order; for engineer, (for steam-engine,) laborers, watchmen, repairs of furniture, and for miscellaneous items, thirty-five thousand dollars. Contingent expenses of P.-O. Department.

Department of Agriculture. — For compensation of the commissioner of agriculture, chief clerk, one clerk of the fourth class, four clerks of the third class, four clerks of the second class, six clerks of the first class, an entomologist at an annual salary of two thousand dollars, a chemist at an annual salary of two thousand dollars, an assistant chemist at an annual salary of fourteen hundred dollars, a draughtsman at an annual salary of fourteen hundred dollars, a translator at an annual salary of twelve hundred dollars, two messengers at an annual salary of six hundred dollars each, and two laborers at an annual salary of four hundred dollars each, thirty-eight thousand dollars. Department of agriculture.

For contingencies, viz: — For stationery, wood, coal, gas, and miscellaneous items, three thousand five hundred dollars. Contingencies.

For collecting agricultural statistics and information for reports, twenty thousand dollars. Agricultural statistics.

For furniture, viz: Carpets, desks, and stoves, eight hundred dollars.

For the purchase of a library and laboratory, four thousand dollars.

For purchase and distribution of new and valuable seeds, and for labor in putting up seeds, seed-bags, and bagging, fifty-four thousand dollars. Library and laboratory. Seeds, &c.

For compensation of superintendent of seed-room, at an annual compensation of sixteen hundred dollars, and for two clerks of the first class, four thousand dollars.

For contingencies of seed-room, viz: coal, gum, packing-paper, and miscellaneous items, three thousand dollars.

For propagating garden, for propagation and distribution of valuable plants, cuttings, & shrubs, viz: For labor, for repair of old propagating house, new propagating house, rebuilding shop, and for purchase of trees, cuttings, vines, and bulbs, ten thousand eight hundred dollars: *Provided*, That such trees, cuttings, vines, and bulbs so purchased, or which shall be propagated, shall be such as are adapted to general cultivation and to promote the general interest of horticulture and agriculture throughout the United States. Plants and cuttings. Trees, plants, &c., to be adapted to general cultivation.

For experimental garden on reservation number two, viz: For salary of foreman and laborers, three thousand dollars; for keep of a horse and stable, and for seeds, manure, tools, and miscellaneous items, two thousand dollars. Experimental garden.

Mint of the United States at Philadelphia. — For salaries of the director, treasurer, assayer, melter and refiner, chief coiner and engraver, assistant assayer, and seven clerks, twenty-six thousand four hundred dollars. Mint at Philadelphia.

For wages of workmen and adjusters, one hundred and twenty-five thousand dollars.

For specimens of coins to be preserved in the cabinet of the mint, three hundred dollars.

Branch Mint at San Francisco, California. — For salaries of superintendent, treasurer, assayer, melter and refiner, coiner, and six clerks, thirty thousand five hundred dollars. Branch at San Francisco.

For wages of workmen and adjusters, one hundred and fifty thousand and fifty dollars.

For incidental and contingent expenses, repairs, and wastage, fifty thousand dollars.

Assay office,
New York.

Assay Office, New York. — For salaries of superintendent, assayer, and melter and refiner, assistant assayer, officers, and clerks, twenty-three thousand seven hundred dollars.

For wages of workmen, thirty-five thousand dollars.

For incidental and contingent expenses, twenty thousand dollars.

Branch-mint at
Denver.

Branch Mint at Denver. — For superintendent, assayer, melter, refiner, coiner, and clerks, twelve thousand four hundred dollars.

For wages of workmen, twenty-six thousand one hundred and eighty nine dollars.

For incidental and contingent expenses, five thousand dollars.

For additional salary of treasurer, acting as assistant treasurer of the United States, five hundred dollars.

For salary of clerk to assistant treasurer, one thousand eight hundred dollars.

For safe and vault, including freight, five thousand dollars.

For salary of assistant treasurer from November twentieth, eighteen hundred and sixty-two, to June thirtieth, eighteen hundred and sixty-four, eight hundred and fifty dollars and fifty-five cents.

For salary of clerk from March first to June thirtieth, eighteen hundred and sixty-four, six hundred dollars.

Governments in
the territories.

GOVERNMENTS IN THE TERRITORIES.

New Mexico.

Territory of New Mexico. — For salaries of governor, chief-justice and two associate judges, and secretary, twelve thousand dollars.

For contingent expenses of said territory, one thousand dollars.

For interpreter and translator in the executive office, five hundred dollars.

For compensation and mileage of the members of the legislative assembly, officers, clerks, and contingent expenses of the assembly, twenty-two thousand nine hundred and eighty dollars.

Utah.

Territory of Utah. — For salaries of governor, chief-justice, two associate judges, and secretary, twelve thousand dollars.

For contingent expenses of the territory, one thousand five hundred dollars.

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

Washington.

Territory of Washington. — For salaries of governor, chief-justice, two associate judges, and secretary, twelve thousand five hundred dollars.

For contingent expenses of said territory, one thousand five hundred dollars.

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

Nebraska.

Territory of Nebraska. — For salaries of governor, chief-justice and two associate judges, and secretary, ten thousand five 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, fifteen thousand dollars.

Colorado.

Territory of Colorado. — For salaries of governor and superintendent of Indian affairs, chief-justice and two associate 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, fifteen thousand dollars.

Territory of Nevada. — For salaries of governor and superintendent of Indian affairs, chief-justice and two associate judges, and secretary, nine thousand seven hundred dollars. Nevada.

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.

Territory of Dakota. — For salaries of governor and superintendent of Indian affairs, chief-justice and two associate judges, and secretary, nine thousand seven hundred dollars. Dakota.

For contingent expenses of the territory, one thousand dollars.

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

Territory of Arizona. — For salaries of governor, chief-justice and two associate judges, and secretary, twelve thousand dollars. Arizona.

For contingent expenses of the territory, one thousand dollars.

For interpreter and translator in the executive office, five hundred dollars.

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

Territory of Idaho. — For salaries of governor, chief-justice and two associate judges, and secretary, twelve thousand dollars. Idaho.

For contingent expenses of the 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.

Territory of Idaho. — For the fiscal year ending June thirtieth, eight hundred and sixty-four: —

For salary of governor, chief-justice and two associate judges, and secretary, twelve thousand dollars.

For contingent expenses of the 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.

JUDICIARY.

Judiciary.

Office of the Attorney-General. — For salaries of the Attorney-General, Assistant Attorney-General, and the clerks and messenger in his office, twenty thousand three hundred dollars. Attorney-General's office.

Contingent expenses of the office of the Attorney-General, namely: —

For fuel, labor, furniture, stationery, and miscellaneous items, three thousand dollars.

For purchase of law and necessary books for the office of the Attorney-General, two hundred and fifty dollars.

For legal assistance and other necessary expenditures in the disposal of private land-claims in California, ten thousand dollars. Land-claims in California.

For special and other extraordinary expenses of California land-claims, ten thousand dollars.

Justices of the Supreme Court of the United States. — For salaries of the chief-justice and nine associate justices, sixty thousand five hundred dollars. Justices of supreme court.

For travelling expenses of the judge assigned to the tenth circuit for attending session of supreme court of the United States, one thousand dollars.

- District judges. For salaries of the district judges of the United States, one hundred and eighteen thousand seven hundred and fifty dollars.
- Courts in District of Columbia. For salaries of the chief-justice of the supreme court of the District of Columbia, the associate judges, and judge of the orphans' court, fourteen thousand five hundred dollars.
- Reporter of decisions. For salary of the reporter of the decisions of the supreme court of the United States, one thousand three hundred dollars.
- District attorneys. For compensation of the district attorneys, nineteen thousand two hundred and fifty dollars.
- Marshals. For compensation of the marshals, eleven thousand six hundred dollars.
- Independent treasury. *Independent Treasury.* — For salaries of the assistant treasurers of the United States at New York, Boston, Charleston, and St. Louis, sixteen thousand five hundred dollars.
- For additional salary of the treasurer of the mint at Philadelphia, one thousand dollars.
- For additional salary of the treasurer of the branch mint at New Orleans, five hundred dollars.
- For salaries of the clerks and messengers in office of assistant treasurer[r] at Boston, eight thousand one hundred dollars.
- For salaries of clerks and messenger in office of the treasurer of the mint as depositary, thirteen thousand eight hundred dollars.
- For salaries of clerks, messengers, watchmen, and porter in office of assistant treasurer at New York, seventy-three thousand six hundred dollars.
- For salaries of chief clerk and teller, to act as assistant treasurer in the absence of the treasurer, assistant teller, book-keeper, assistant book-keeper, messenger, and four watchmen, in the office of the sub-treasury at Saint Louis, nine thousand seven hundred and sixty dollars.
- 1846, ch. 90.
Vol. ix. p. 59. For salaries of additional clerks, under act of August sixth, eighteen hundred and forty-six, for the better organization of the treasury, at such rates as the secretary may deem just and reasonable, ten thousand dollars.
- Designated depositaries. For compensation to designated depositaries, under act of August sixth, eighteen hundred and forty-six, for the collection, safe-keeping, transfer and disbursement of the public revenue, eight thousand dollars.
- Special agents. For compensation to special agents under act of sixth of August, eighteen hundred and forty-six, eight thousand dollars.
- Inspectors of steamboats. For salaries of nine supervising and fifty local inspectors, appointed under act thirtieth August, eighteen hundred and fifty-two, for the better protection of the lives of passengers by steamboats, with travelling and other expenses incurred by them, twenty-five thousand dollars.
- 1852, ch. 106.
Vol. x. p. 61. For contingent expenses under the act of sixth August, eighteen hundred and forty-six, for the collection, safe-keeping, transfer, and disbursement of the public revenue, in addition to premium which may be received on transfer drafts: *Provided*, That no part of said sum shall be expended for clerical services, one hundred and ten thousand dollars.
- Expenses of treasury notes. For necessary expenses in carrying into effect the several acts of congress authorizing loans and the issue of treasury notes, one million dollars.
- Commissioners of direct taxes, &c. *Commissioners of Direct Taxes in Insurrectionary Districts.* — For compensation of thirty-three commissioners, at three thousand dollars each, and eleven clerks at twelve hundred dollars each, one hundred and twelve thousand two hundred dollars.
- Public buildings and grounds. For contingent expenses, forty thousand dollars.
- Public Buildings and Grounds.* — For compensation to the laborer in charge of the water-closets in the capitol, four hundred and thirty-eight dollars.
- For compensation of four laborers in capitol, two thousand four hundred dollars.
- For compensation to the public gardener, one thousand four hundred and forty dollars.

For compensation of a foreman and twenty-one laborers employed in the public grounds, thirteen thousand four hundred dollars. Public build-
ings and grounds.

For compensation of the keeper of the western gate, Capitol square, eight hundred and seventy-six dollars.

For compensation of two day watchmen employed in the Capitol square, one thousand two hundred dollars.

For compensation of two night watchmen employed at the President's house, one thousand two hundred dollars.

For compensation of the doorkeeper at the President's house, six hundred dollars.

For compensation of assistant doorkeeper at the President's house, six hundred dollars.

For compensation of one night watchman at the public stables and car-penters' shops south of the capitol, one thousand dollars.

For compensation of watchman in reservation number two, six hundred dollars.

For compensation of two draw-keepers at the two bridges across the eastern branch of the Potomac, and for fuel, oil, and lamps, one thousand one hundred and eighty dollars. Bridges.

For compensation of furnace-keeper under the old hall of the House of Representatives, six hundred dollars.

For compensation of furnace-keeper at the President's house, six hundred dollars.

Metropolitan Police. — For salaries and other necessary expenses of the metropolitan police for the District of Columbia, one hundred and ten thousand dollars; and the compensation of said metropolitan force, officers, and clerks be, and the same is hereby, increased fifty per centum, com- Metropolitan
police.

mencing on the first of July, eighteen hundred and sixty-four, said increase to be borne by the cities of Washington and Georgetown, and the county Pay of police
increased fifty
per cent.

of Washington, in the District of Columbia, in the proportion equal to the Expense, how
to be apportioned.

number of patrolmen allotted severally to the city of Washington, to the city of Georgetown, and the county of Washington beyond the limits of said cities. And the corporation authorities of said cities of Washington and Georgetown, and the levy court of said county be, and they are hereby, authorized and empowered to levy a special tax not exceeding one quarter of one per centum for the purpose aforesaid.

Tax therefor.

For deficiency of appropriation for the capitol police, under the act of April twenty-second, eighteen hundred and fifty-four, to be expended under the direction of the commissioner of public buildings, to be paid only to loyal men, four thousand three hundred and seventy-four dollars and eighty-four cents. Capitol police.
1854, ch. 52.
Vol. x. p. 276.

For salary of warden of jail in the District of Columbia, sixteen hundred dollars.

SEC. 2. *And be it further enacted,* That the office of the treasurer of the United States be reorganized, under the direction of the Secretary of the Treasury, so as to authorize the employment of the officers and clerks, and with the annual salaries hereinafter specified, Office of treas-
urer reorganized.

viz: —

One assistant treasurer, with a salary of twenty-eight hundred dollars. Assistant treas-
urer.

One cashier, with a salary of twenty-eight hundred dollars. Cashier and
assistant.

One assistant cashier, with a salary of twenty-five hundred dollars. Chief of divis-
ion of issues;

One chief of the division of issues, with a salary of twenty-two hun- of redemption;

One chief of the division of redemption, with a salary of twenty-two of loans;

One chief of the division of loans, with a salary of twenty-two hun- of accounts;

One chief of the division of accounts, with a salary of twenty-two of accounts;

hundred dollars. of accounts;

Chief of division of national banks.

One chief of the division of national banks with a salary of twenty-two hundred dollars.

Book-keepers.

Two principal book-keepers, each with a salary of twenty-two hundred dollars.

Tellers.

Two tellers, each with a salary of twenty-two hundred dollars.

Assistant tellers.

Two assistant tellers, each with a salary of two thousand dollars.

Chief clerk.

One chief clerk, with a salary of two thousand dollars.

Other clerks.

Fifteen clerks of class four, fifteen of class three, eleven of class two, nine of class one, one messenger in charge of mails, with a salary of one thousand dollars; nine messengers, with a salary of nine hundred dollars each; five messengers, with a salary of seven hundred dollars each; sixty female clerks, with a salary of six hundred dollars each; five laborers, with a salary of six hundred dollars each, and seven female laborers at a salary of two hundred and forty dollars each. And the officers, clerks, and employees hereby authorized shall be in lieu of all the force now employed in the said office. And the amount necessary to pay the salaries of said officers, clerks, and employees, in addition to the amount heretofore provided for the present fiscal year, is hereby appropriated out of any money in the treasury not otherwise appropriated.

Appropriation.

Twenty per cent. to be added to pay of females, messengers, &c.

SEC. 3. *And be it further enacted*, That twenty per centum be added to the compensation of the females and of the messengers, watchmen, and laborers employed in the several departments and under the commissioner of public buildings, and the commissioner of agriculture, and at the capitol, to commence on the first day of June, eighteen hundred and sixty-four, and to terminate at the close of the fiscal year ending the thirtieth of June, eighteen hundred and sixty-six, but to be calculated only upon the amount of compensation accruing after the first day of June, eighteen hundred and sixty-four: *Provided, however*, That no salary be increased hereby so as to exceed the sum of ten hundred dollars. And the sums necessary to pay the additional compensation herein specified for the present and the next fiscal years are hereby appropriated.

No increased salary to exceed \$1000.

Late reporter of supreme court.

SEC. 4. *And be it further enacted*, That the accounting officers of the treasury are hereby authorized and directed to allow to the late reporter of the supreme court the amount of his annual salary for the fiscal year ending June thirty, eighteen hundred and sixty-four, on the production of satisfactory evidence that he has delivered to the Secretary of the Interior the number of copies of the decisions of said court prescribed by law, and that said books have been received and accepted by said Secretary.

Additional clerks in office of commissioner of customs.

SEC. 5. *And be it further enacted*, That, in addition to the clerical force now authorized by law, the following clerks are hereby authorized in the office of the commissioner of customs, to be employed and continue only during the rebellion and for one year after its close, viz: two clerks of class four, two of class three, and two of class two, and the sum of eleven thousand two hundred dollars, or so much thereof as may be necessary to pay their salaries from the date of their appointment to the thirtieth of June, eighteen hundred and sixty-five, is hereby appropriated therefor.

Testimony may be taken, &c., in investigating claims under act 1849, ch. 129, Vol. ix. p. 414, 1863, ch. 73, § 2, Vol. xii. p. 743.

SEC. 6. *And be it further enacted*, That in executing the act of the third of March, eighteen hundred and forty-nine, and the act amendatory thereof, providing for payment for steamboats and other vessels, and railroad engines or cars lost or destroyed while in the military service of the United States, the third auditor of the treasury be, and he is hereby, authorized in person, or in such manner as he may deem most compatible with the public interests, to take testimony and make such investigations as he may deem necessary in adjudicating claims filed under said act, and for such necessary expenses incurred therein payment may be made out of the appropriation contained in said act, upon proper vouchers certified and approved by the third auditor.

SEC. 7. *And be it further enacted,* That from and after the first day of July, eighteen hundred and sixty-four, in lieu of the clerks heretofore authorized and provided, the assistant treasurer at New Orleans be, and he is hereby, authorized to appoint, with the approbation of the Secretary of the Treasury, one chief clerk, at a salary of twenty-five hundred dollars per annum; one clerk, at a salary of two thousand dollars per annum; two clerks, at a salary of fifteen hundred dollars per annum each; one porter, at a salary of nine hundred dollars per annum; and two watchmen, at a salary of six hundred dollars per annum each; and the compensation for such clerks for the next fiscal year be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated. And in case of the sickness or unavoidable absence of the assistant treasurer, he may, in his discretion, authorize the chief clerk to act in his place and to discharge all the duties required by law of the assistant treasurer.

Clerks in office of assistant treasurer at New Orleans.

Chief clerk when to act as treasurer.

SEC. 8. *And be it further enacted,* That so many of the clerks in the office of the paymaster-general as have been, or may be, deemed unnecessary, not exceeding thirty-seven in number, who shall be found competent, to be selected by the Secretary of the Treasury, are hereby transferred to the office of the third auditor of the treasury, and shall be classified as follows: Twelve clerks of class two, and twenty-five of class one; and the sum of forty-six thousand eight hundred dollars, or so much thereof as may be found necessary, be, and the same is hereby, appropriated for said purpose.

Certain clerks in office of paymaster-general to be transferred to office of 3d auditor of treasury.

SEC. 9. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized to appoint, in addition to the present number, two appraisers for the port of New York, at an annual salary of twenty-five hundred dollars each, and the sum of five thousand dollars is hereby appropriated therefor. For twelve additional clerks in the office of the assistant treasurer at New York, at an annual salary of fourteen hundred dollars each, authorized by the act of sixth of March, eighteen hundred and sixty-two, sixteen thousand eight hundred dollars.

Two additional appraisers in New York.

Additional clerks. Salaries; appropriation.

SEC. 10. *And be it further enacted,* That, in addition to the sum of twenty-five thousand dollars, hereinbefore appropriated, for salaries and expenses of nine supervising and fifty local inspectors of steam-vessels, with travelling and other expenses, the sum of fifty-five thousand dollars be, and the same is hereby, appropriated.

Additional appropriation for inspectors of steamboats, &c.

SEC. 11. *And be it further enacted,* That there be, and hereby is, appointed, in the office of the Secretary of the Treasury, five clerks of class three, in lieu of five clerks of class one, and the sum of two thousand dollars is hereby appropriated for said purpose.

Clerks in office of Secretary of Treasury.

APPROVED, June 25, 1864.

CHAP. CXLVIII. — *An Act making Appropriations for the current and contingent Expenses of the Indian Department, and for fulfilling Treaty Stipulations with various Indian Tribes, for the Year ending June thirtieth, eighteen hundred and sixty-five, and for other Purposes.* June 25, 1864.

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, out of any money in the treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian department, and fulfilling treaty stipulations with the various Indian tribes.

Appropriation for expenses of the Indian department.

For the current and contingent expenses of the Indian department, namely: —

For the pay of superintendents of Indian affairs and of Indian agents, ninety-eight thousand eight hundred dollars.

Superintendents; agents; Sub-agents, clerks, &c.

For pay of sub-agents, six thousand dollars.

For the salary of the agent of the Green Bay agency, to make the

Indian agents, same fifteen hundred dollars per annum, an additional sum of five hundred dollars, clerks, &c.

For pay of clerk to superintendent at St. Louis, Missouri, one thousand two hundred dollars.

For pay of temporary clerks to superintendents of Indian affairs, five thousand dollars.

For pay of clerk to the superintendent of Indian affairs in California, one thousand eight hundred dollars.

For pay of four agents, seven thousand two hundred dollars.

For pay of one blacksmith, one assistant blacksmith, one farmer, and one carpenter, two thousand four hundred dollars.

Interpreters, presents, and provisions.

For pay of interpreters, twenty-eight thousand four hundred dollars.

For presents to Indians, five thousand dollars.

For provisions for Indians, eleven thousand eight hundred dollars.

Buildings and repairs.

For buildings at agencies and repairs thereof, ten thousand dollars.

For contingencies of the Indian department, thirty-six thousand five hundred dollars.

Treaty stipulations. Blackfoot Indians.

For fulfilling treaty stipulations with the various Indian tribes:—

Blackfoot Indians.— For ninth of ten instalments as annuity, to be expended in the purchase of such goods, provisions, and other useful articles as the President, at his discretion, may from time to time determine, per ninth article of the treaty of seventeenth October, eighteen hundred and fifty-five, twenty thousand dollars.

Vol. xi. p. 659.

* For ninth of ten instalments as annuity, to be expended in establishing and instructing them in agricultural and mechanical pursuits, and in educating their children, and promoting civilization and Christianity, at the discretion of the President, per tenth article of the treaty of seventeenth October, eighteen hundred and fifty-five, fifteen thousand dollars.

Chasta, Scoton, and Umpquas.

Chasta, Scoton, and Umpqua Indians.— For tenth of fifteen instalments of annuity, to be expended as directed by the President, per third article treaty eighteenth November, eighteen hundred and fifty-four, two thousand dollars.

Vol. x. p. 1122.

For tenth of fifteen instalments for the pay of a farmer, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand dollars.

For tenth of fifteen instalments for pay of physician, medicines, and expense of care of the sick, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand five hundred dollars.

For tenth of fifteen instalments for pay of teachers and purchase of books and stationery, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand two hundred dollars.

Chippewas of Lake Superior.

Chippewas of Lake Superior.— For two thirds of twenty-third of twenty-five instalments in money, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, eight thousand three hundred and thirty-three dollars and thirty-three cents.

Vol. vii. p. 592.

Vol. x. p. 1109.

For two thirds of twenty-third of twenty-five instalments for the pay of two carpenters, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, eight hundred dollars.

For two thirds of twenty-third of twenty-five instalments in goods, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, seven thousand dollars.

For two thirds of twenty-third of twenty-five instalments for the support of schools, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand three hundred and thirty-three dollars and thirty-three cents.

For two thirds of twenty-third of twenty-five instalments for the pay of two farmers, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents. Chippewas of
Lake Superior.

For two thirds of twenty-third of twenty-five instalments for the purchase of provisions and tobacco, per fourth article treaty-fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand three hundred and thirty-three dollars and thirty-three cents.

For tenth of twenty instalments in coin, goods, household furniture, and cooking-utensils, agricultural implements and cattle, carpenters' and other tools and building-materials, and for moral and educational purposes, per fourth article treaty thirtieth September, eighteen hundred and fifty-four, nineteen thousand dollars.

For tenth of twenty instalments for six smiths and assistants, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, five thousand and forty dollars.

For tenth of twenty instalments for the support of six smiths' shops, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, one thousand three hundred and twenty dollars.

For eighth of twenty instalments for the seventh smith and assistant, and support of shop, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, one thousand and sixty dollars.

For support of a smith, assistant, and shop for the Bois Forte band, during the pleasure of the President, per twelfth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand and sixty dollars.

For support of two farmers for the Bois Forte band, during the pleasure of the President, per twelfth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand two hundred dollars.

Chippewas of the Mississippi. — For one third of twenty-third of twenty-five instalments in money, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, four thousand one hundred and sixty-six dollars and sixty-seven cents. Chippewas of
the Mississippi.
Vol. vii. p. 592.
Vol. x. p. 1109.

For one third of twenty-third of twenty-five instalments for the pay of two carpenters, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, four hundred dollars.

For one third of twenty-third of twenty-five instalments in goods, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, three thousand five hundred dollars.

For one third of twenty-third of twenty-five instalments for the support of schools, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For one third of twenty-third of twenty-five instalments for the purchase of provisions and tobacco, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For one third of twenty-third of twenty-five instalments for the support of two smiths' shops, including the pay of two smiths and assistants, and furnishing iron and steel, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For one third of twenty-third of twenty-five instalments for pay of two farmers, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, three hundred and thirty-three dollars and thirty-three cents.

For tenth of twenty instalments of annuity in money, per third article treaty twenty-second February, eighteen hundred and fifty-five, twenty thousand dollars.

Chippewas of the Mississippi, and the Pillager and Lake Winnebagoish Indians in Minnesota.

Chippewas of the Mississippi, and the Pillager and Lake Winnebagoish Bands of Chippewa Indians in Minnesota. — For settlement of the claims for depredations committed by said Indians in eighteen hundred and sixty-two, twenty thousand dollars.

For clearing and breaking-in reservation and for building houses for the chiefs, three thousand six hundred dollars.

For first of ten instalments for furnishing said Indians with ten yoke of work-oxen, agricultural implements, and miscellaneous items, one thousand dollars.

For expenses incurred by the legislature of the State of Minnesota in sending commissioners to visit the Chippewa Indians, in the year eighteen hundred and sixty-two, one thousand three hundred and thirty-eight dollars and seventy-five cents.

For the employment of a sawyer, at the discretion of the President, and to remove the saw-mill from Gull Lake reservation to the new reservation set apart, and to extend the road between Gull Lake and Leach Lake to the junction of the Mississippi and Leach Lake rivers, and to remove the agency to said junction, or as near as practicable, three thousand dollars.

For compensation of female teachers on the reservation, who shall instruct the Indian girls in domestic economy, one thousand dollars.

Chippewas, Pillager, and Lake Winnebagoish bands.

Chippewas, Pillager, and Lake Winnebagoish Bands. — For tenth of thirty instalments of annuity in money, per third article treaty twenty-second February, eighteen hundred and fifty-five, ten thousand six hundred and sixty-six dollars and sixty-six cents.

Vol. x. p. 1165.

For tenth of thirty instalments of annuity in goods, per third article treaty twenty-second February, eighteen hundred and fifty-five, eight thousand dollars.

For tenth of thirty instalments for purposes of utility, per third article treaty twenty-second February, eighteen hundred and fifty-five, four thousand dollars.

For tenth of twenty instalments for purposes of education, per third article treaty twenty-second February, eighteen hundred and fifty-five, three thousand dollars.

For tenth of fifteen annual instalments for support of two smiths and smiths' shops, per third article treaty twenty-second February, eighteen hundred and fifty-five, two thousand one hundred and twenty dollars.

For pay of an engineer to grist- and saw-mill at Leach Lake, six hundred dollars.

Chippewas of Saginaw, Swan Creek, and Black River.

Vol. xi. p. 634.

Chippewas of Saginaw, Swan Creek, and Black River. — For ninth of ten equal annual instalments in coin, to be distributed per capita, in the usual manner of paying annuities, per second article of the treaty of second August, eighteen hundred and fifty-five, ten thousand dollars.

For ninth of ten instalments for the support of one blacksmith shop, per second article of the treaty of second August, eighteen hundred and fifty-five, twelve hundred and forty dollars.

For fourth of five equal annual instalments for educational purposes, under the direction of the President, two thousand dollars.

For fourth of five equal annual instalments in agricultural implements, three thousand dollars.

Chippewas, Menomonees, Winnebagoes, and New-York Indians.

Chippewas, Menomonees, Winnebagoes, and New-York Indians. — For education during the pleasure of congress, per fifth article treaty eleventh

August, eighteen hundred and twenty-seven, one thousand five hundred dollars. Vol. vii. p. 804.

Chickasaws. — For permanent annuity in goods, per act of twenty-fifth February, seventeen hundred and ninety-nine, three thousand dollars.

Chickasaws.
1799, ch. 11.
Vol. i. p. 618.

Choctaws. — For permanent annuity, per second article treaty sixteenth November, eighteen hundred and five, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, three thousand dollars.

Choctaws.
Vol. vii. p. 99.
Vol. xi. p. 614.

For permanent annuity for support of light-horsemen, per thirteenth article treaty eighteenth October, eighteen hundred and twenty, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, six hundred dollars.

Vol. vii. p. 213.

For permanent provision for education, per second article treaty twentieth January, eighteen hundred and twenty-five, and thirteenth article [treaty] twenty-second June, eighteen hundred and fifty-five, six thousand dollars.

Vol. vii. p. 235.

For permanent provision for blacksmith, per sixth article treaty eighteenth October, eighteen hundred and twenty, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, six hundred dollars.

For permanent provision for iron and steel, per ninth article treaty twentieth January, eighteen hundred and twenty-five, and thirteenth article of treaty twenty-second June, eighteen hundred and fifty-five, three hundred and twenty dollars.

For interest on five hundred thousand dollars, at five per centum per annum, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Choctaws, in conformity with the provisions contained in the tenth and thirteenth articles of the treaty of twenty-second June, eighteen hundred and fifty-five, twenty-five thousand dollars.

Camanches, Kiowas, and Apaches of Arkansas River. — For the first five instalments, being the second series for the purchase of goods, provisions, and agricultural implements, per sixth article treaty twenty-seventh July, eighteen hundred and fifty-three, eighteen thousand dollars.

Camanches,
Kiowas, and
Apaches of Ar-
kansas River.

For expenses of transportation of the first of five instalments of goods, provisions, and agricultural implements, per sixth article treaty twenty-seventh July, eighteen hundred and fifty-three, seven thousand dollars.

Vol. x. p. 1014.

Kioway, Apache, and Camanches. — For the salary of an agent for the Kioway, Apache, and Camanche Indians, for the fiscal year ending June thirty, eighteen hundred and sixty-five, fifteen hundred dollars.

Kioway, Apa-
che, and Caman-
ches.

Creeks. — For permanent annuity in money, per fourth article treaty seventh August, seventeen hundred and ninety, and fifth article treaty seventh August, eighteen hundred and fifty-six, one thousand five hundred dollars.

Creeks.
Vol. vii. p. 36.
Vol. xi. p. 700.

For permanent annuity in money, per second article treaty sixteenth June, eighteen hundred and two, and fifth article treaty seventh August, eighteen hundred and fifty-six, three thousand dollars.

Vol. vii. p. 69.

For permanent annuity in money, per fourth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, twenty thousand dollars.

Vol. vii. p. 287.

For permanent provision for blacksmith and assistant, and for shop and tools, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, eight hundred and forty dollars.

For permanent provision for iron and steel for shop, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, two hundred and seventy dollars.

For permanent provision for the pay of a wheelwright, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, six hundred dollars.

Creeks.
Vol. vii. p. 419. For blacksmith and assistant and shop and tools during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, eight hundred and forty dollars.

For iron and steel for shop during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, two hundred and seventy dollars.

For wagon-maker during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, six hundred dollars.

For assistance in agricultural operations during the pleasure of the President, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, two thousand dollars.

For education during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, one thousand dollars.

For five per centum interest on two hundred thousand dollars for purposes of education, per sixth article treaty seventh August, eighteen hundred and fifty-six, ten thousand dollars.

Delawares.
Vol. vii. p. 188. *Delawares.* — For life-annuity to chief, per private article to supplemental treaty twenty-fourth September, eighteen hundred and twenty-nine, to treaty of third October, eighteen hundred and eighteen, one hundred dollars.

For interest on forty-six thousand and eighty dollars, at five per centum, being the value of thirty-six sections of land set apart by treaty of eighteen hundred and twenty-nine, for education, two thousand three hundred and four dollars.

Iowas.
Iowas. — For interest in lieu of investment on fifty-seven thousand dollars, balance of one hundred and fifty-seven thousand dollars, to the first of July, eighteen hundred and sixty-five, at five per centum per annum, for education or other beneficial purposes, under the direction of the President, two thousand eight hundred and seventy-five dollars.

Kansas.
Kansas. — For interest in lieu of investment on two hundred thousand dollars, at five per centum per annum, ten thousand dollars.

Kickapoos.
Kickapoos. — For eleventh instalment of interest, at five per centum, on one hundred thousand dollars for educational and other beneficial purposes, five thousand dollars.

For eleventh instalment on two hundred thousand dollars, to be paid in eighteen hundred and sixty-four, per second article treaty eighteenth May, eighteen hundred and sixty-four, nine thousand dollars.

Menomonees.
Vol. ix. p. 952.
Vol. x. p. 1065. *Menomonees.* — For ninth of twelve instalments for continuing and keeping up a blacksmith shop, and providing the usual quantity of iron and steel, per fourth article treaty eighteenth October, eighteen hundred and forty-eight, and third article treaty twelfth May, eighteen hundred and fifty-four, nine hundred and sixteen dollars and sixty-six cents.

For ninth of ten instalments of annuity upon two hundred thousand dollars, balance of three hundred and fifty thousand dollars for cession of lands, per fourth article treaty eighteenth October, eighteen hundred and forty-eight, and third article treaty twelfth May, eighteen hundred and fifty-four, twenty thousand dollars.

For ninth of fifteen instalments for pay of miller, per third article treaty twelfth May, eighteen hundred and fifty-four, six hundred dollars.

Miamies of Kansas.
Vol. vii. p. 191.
Vol. x. p. 1095. *Miamies of Kansas.* — For permanent provision for blacksmith and assistant, and iron and steel for shop, per fifth article treaty sixth October, eighteen hundred and eighteen, and fourth article treaty June fifth, eighteen hundred and fifty-four, nine hundred and forty dollars.

For permanent provision for miller, in lieu of gunsmith, per fifth article treaty sixth October, eighteen hundred and eighteen, fifth article treaty twenty-third October, eighteen hundred and thirty-four, and fourth article treaty fifth June, eighteen hundred and fifty-four, six hundred dollars.

Vol. vii. p. 459.

For interest on fifty thousand dollars, at five per centum, for educational purposes, per third article treaty fifth June, eighteen hundred and fifty-four, two thousand five hundred dollars.

For fifth of twenty instalments upon two hundred thousand dollars, per third article treaty fifth June, eighteen hundred and fifty-four, seven thousand five hundred dollars.

Miamies of Indiana. — For interest on two hundred and twenty-one thousand two hundred and fifty-seven dollars and eighty-six cents, uninvested, at five per centum, for Miami Indians of Indiana, per Senate's amendment to fourth article treaty fifth June, eighteen hundred and fifty-four, eleven thousand and sixty-two dollars and eighty-nine cents.

Miamies of
Indiana.
Vol. vii. p. 582.
Vol. x. p. 1095.

Miamies — Eel River. — For permanent annuity in goods or otherwise, per fourth article treaty third August, seventeen hundred and ninety-five, five hundred dollars.

Miamies — Eel
River.
Vol. vii. p. 51.

For permanent annuity in goods or otherwise, per third article treaty twenty-first August, eighteen hundred and five, two hundred and fifty dollars.

Vol. vii. p. 91.

For permanent annuity in goods or otherwise, per third and separate article to treaty thirtieth September, eighteen hundred and nine, three hundred and fifty dollars.

Vol. vii. p. 114.

Nisqually, Puyallup, and other Tribes and Bands of Indians. — For tenth instalment, in part payment for relinquishment of title to lands, to be applied to beneficial objects; per fourth article treaty twenty-sixth December, eighteen hundred and fifty-four, fifteen hundred dollars.

Nisqually,
Puyallup, and
other bands of
Indians.

For tenth of twenty instalments for pay of instructor, smith, physician, carpenter, farmer, and assistant if necessary, per tenth article treaty twenty-sixth December, eighteen hundred and fifty-four, six thousand seven hundred dollars.

Vol. x. p. 1134.

Omahas. — For the seventh of ten instalments of this amount, being second of the series, in money or otherwise, per fourth article treaty sixteenth March, eighteen hundred and fifty-four, thirty thousand dollars.

Omahas.
Vol. x. p. 1044.

For the last of ten instalments for support of a miller, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, six hundred dollars.

For the last of ten instalments for support of blacksmith and assistant, and iron and steel for shop, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, nine hundred and forty dollars.

For the last of ten instalments for support of farmer, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, six hundred dollars.

For keeping in repair the grist and saw-mill provided for by the eighth article of the treaty of sixteenth March, eighteen hundred and fifty-four, three hundred dollars.

For supplying the smith's shop with tools, and keeping the same in repair, per eighth article of the treaty of sixteenth March, eighteen hundred and fifty-four, three hundred dollars.

For an engineer, one thousand two hundred dollars.

For assistant engineer for mill, six hundred dollars.

For assistant miller, three hundred dollars.

Osages. — For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum, being the value of fifty-four sections of land set apart second June, eighteen hundred and twenty-five, for educational purposes, per Senate resolution nineteenth January, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

Osages.

Ottos and Missourias. — For seventh of ten instalments, being the

Ottos and
Missourias.

Vol. x. p. 1039. second series, in money or otherwise, per fourth article treaty fifteenth March, eighteen hundred and fifty-four, thirteen thousand dollars.

For last of ten instalments for pay of miller, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, six hundred dollars.

For last of ten instalments for blacksmith and assistant, and iron and steel for shop, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, nine hundred and forty dollars.

For last of ten instalments for farmer, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, six hundred dollars.

For keeping in repair the grist and saw-mill provided for by the seventh article of the treaty of fifteenth March, eighteen hundred and fifty-four, three hundred dollars.

For supplying the smith's shop with tools, and keeping the same in repair, per seventh article of the treaty fifteenth March, eighteen hundred and fifty-four, three hundred dollars.

For an engineer, one thousand two hundred dollars.

Ottawas and
Chippewas of
Michigan.

Ottawas and Chippewas of Michigan. — For ninth of ten equal annual instalments for educational purposes, to be expended under the direction of the President, according to the wishes of the Indians, so far as may be reasonable and just, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, eight thousand dollars.

For ninth of ten instalments for the support of four blacksmith-shops, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, four thousand two hundred and forty dollars.

For ninth of ten instalments of principal, payable annually for ten years, to be distributed per capita, in the usual manner of paying annuities, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, ten thousand dollars.

For interest on two hundred and sixteen thousand dollars, unpaid part of the principal sum of three hundred and six thousand dollars, for one year, at five per centum per annum, to be distributed per capita, in the usual manner of paying annuities, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, ten thousand eight hundred dollars.

For ninth of ten equal annual instalments on thirty-five thousand dollars, in lieu of former treaty stipulations, to be paid per capita to the Grand River Ottawas, per second article treaty thirty-first July, eighteen hundred and fifty-five, three thousand five hundred dollars.

Pawnees.
Vol. xi. p. 729.

Pawnees. — For second of five instalments of the second series in goods and such articles as may be necessary for them, per second article treaty twenty-fourth September, eighteen hundred and fifty-seven, thirty thousand dollars.

For support of two manual labor schools, annually, during the pleasure of the President, per third article treaty twenty-fourth September, eighteen hundred and fifty-seven, ten thousand dollars.

For pay of two teachers, under the direction of the President, per third article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

For purchase of iron and steel, and other necessaries for the shop, during the pleasure of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, five hundred dollars.

For pay of two blacksmiths, one of whom to be a gunsmith and tinsmith, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

For compensation of two strikers or apprentices in shop, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, four hundred and eighty dollars.

For seventh of ten instalments for farming utensils and stock during the pleasure of the President, per fourth article treaty twenty-fourth Sep-

tember, eighteen hundred and fifty-seven, one thousand two hundred dollars.

Pawnees.

For pay of farmer, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, six hundred dollars.

For sixth of ten instalments for pay of miller, at the discretion of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, six hundred dollars.

For sixth of ten instalments for pay of an engineer, at the discretion of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

For compensation to apprentices, to assist in working the mill, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, five hundred dollars.

Pottawatomies of Huron. — For permanent annuity in money or otherwise, per second article treaty seventeenth November, eighteen hundred and seven, four hundred dollars.

Pottawatomies of Huron. Vol. vii. p. 105.

Pottawatomies. — For permanent annuity in silver, per fourth article treaty third August, seventeen hundred and ninety-five, one thousand dollars.

Pottawatomies Vol. vii. p. 51.

For permanent annuity in silver, per third article treaty thirtieth September, eighteen hundred and nine, five hundred dollars.

Vol. vii. p. 114.

For permanent annuity in silver, per third article treaty second October, eighteen hundred and eighteen, two thousand five hundred dollars.

Vol. vii. p. 185.

For permanent annuity in money, per second article treaty twentieth September, eighteen hundred and twenty-eight, two thousand dollars.

Vol. vii. p. 317.

For permanent annuity in specie, per second article treaty twenty-ninth July, eighteen hundred and twenty-nine, sixteen thousand dollars.

Vol. vii. p. 320.

For life-annuity to chief, per third article treaty twentieth October, eighteen hundred and thirty-two, two hundred dollars.

Vol. vii. p. 379.

For life-annuity to chiefs, per third article treaty twenty-sixth September, eighteen hundred and thirty-three, seven hundred dollars.

Vol. vii. p. 432.

For education during the pleasure of congress, per third article treaty sixteenth October, eighteen hundred and twenty-six, second article treaty twentieth September, eighteen hundred and twenty-eight, and fourth article treaty twenty-seventh October, eighteen hundred and thirty-two, five thousand dollars.

Vol. vii. p. 296.

Vol. vii. p. 317.

Vol. vii. p. 379.

For permanent provision for the payment of money in lieu of tobacco, iron, and steel, per second article treaty twentieth September, eighteen hundred and twenty-eight, and tenth article of the treaty of the fifth and seventeenth June, eighteen hundred and forty-six, three hundred dollars.

Vol. ix. p. 855.

For permanent provision for three blacksmiths and assistants, per third article treaty sixteenth October, eighteen hundred and twenty-six, second article treaty twentieth September, eighteen hundred and twenty-eight, and second article treaty twenty-ninth July, eighteen hundred and twenty-nine, two thousand one hundred and sixty dollars.

For permanent provision for iron and steel for shops, per third article treaty sixteenth October, eighteen hundred and twenty-six, second article treaty twentieth September, eighteen hundred and twenty-eight, and second article treaty twenty-ninth July, eighteen hundred and twenty-nine, six hundred and sixty dollars.

For permanent provision for fifty barrels of salt, per second article of treaty twenty-ninth July, eighteen hundred and twenty-nine, two hundred and fifty dollars.

For interest on six hundred and forty-three thousand dollars, at five per centum, per seventh article of the treaty of the fifth and seventeenth of June, eighteen hundred and forty-six, thirty-two thousand one hundred and fifty dollars.

Quapaws. — For education during the pleasure of the President, per

Quapaws.

Vol. vii. p. 425. third article treaty thirteenth May, eighteen hundred and thirty-three, one thousand dollars.

For blacksmith and assistant, shop and tools, and iron and steel for shop, during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three, one thousand and sixty dollars.

For farmer during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three, six hundred dollars.

For payment of expenses incident to the removal of the Quapaw Indians from Kansas, and their reestablishment in their own country, nine thousand seven hundred and twenty-six dollars and thirty-three cents.

Rogue Rivers. *Rogue Rivers.* — For eleventh of sixteen instalments in blankets, clothing, farming-utensils, and stock, per third article treaty tenth September, eighteen hundred and fifty-three, two thousand five hundred dollars.

Sacs and Foxes of Mississippi; Vol. vii. p. 85. *Sacs and Foxes of Mississippi.* — For permanent annuity in goods or otherwise, per third article treaty third November, eighteen hundred and four, one thousand dollars.

Vol. vii. p. 540. For interest on two hundred thousand dollars, at five per centum, per second article treaty twenty-first October, eighteen hundred and thirty-seven, ten thousand dollars.

Vol. vii. p. 596. For interest on eight hundred thousand dollars, at five per centum, per second article treaty eleventh October, eighteen hundred and forty-two, forty thousand dollars.

of Missouri. Vol. vii. p. 540. *Sacs and Foxes of Missouri.* — For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, under the direction of the President, per second article treaty twenty-first October, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars.

Seminoles. Vol. xi. p. 702. *Seminoles.* — For the eighth of ten instalments for the support of schools, per eighth article treaty seventh August, eighteen hundred and fifty-six, three thousand dollars.

For the eighth of ten instalments for agricultural assistance, per eighth article treaty seventh August, eighteen hundred and fifty-six, two thousand dollars.

For the eighth of ten instalments for the support of smiths and smiths' shops, per eighth article treaty seventh August, eighteen hundred and fifty-six, two thousand two hundred dollars.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article treaty seventh August, eighteen hundred and fifty-six, twelve thousand five hundred dollars.

For interest on two hundred and fifty thousand dollars, at five per centum, to be paid as annuity, they having joined their brethren west, per eighth article treaty seventh August, eighteen hundred and fifty-six, twelve thousand five hundred dollars.

Senecas. Vol. vii. p. 161. *Senecas.* — For permanent annuity in specie, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen, five hundred dollars.

For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen, five hundred dollars.

Vol. vii. p. 349. For blacksmith and assistant, shop and tools, and iron and steel, during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one, one thousand and sixty dollars.

For miller during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one, six hundred dollars.

- Senecas of New York.* — For permanent annuity in lieu of interest on stock, per act of nineteenth February, eighteen hundred and thirty-one, six thousand dollars. Senecas of New York.
1831, ch. 26.
Vol. iv. p. 442.
1846, ch. 34.
Vol. ix. p. 35.
- For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of twenty-seventh June, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars.
- For interest at five per centum, on forty-three thousand and fifty dollars, transferred from Ontario Bank to the United States treasury, per act of twenty-seventh June, eighteen hundred and forty-six, two thousand one hundred and fifty-two dollars and fifty cents.
- Senecas and Shawnees.* — For permanent annuity in specie, per fourth article treaty seventeenth September eighteen hundred and eighteen, one thousand dollars. Senecas and Shawnees.
Vol. vii. p. 179.
- For blacksmith and assistant, shop and tools, and iron and steel for shop, during the pleasure of the President, per fourth article treaty twentieth July, eighteen hundred and thirty-one, one thousand and sixty dollars. Vol. vii. p. 352.
- Shawnees.* — For permanent annuity for educational purposes, per fourth article treaty third August, seventeen hundred and ninety-five, and third article treaty tenth May, eighteen hundred and fifty-four, one thousand dollars. Shawnees.
Vol. vii. p. 51.
Vol. x. p. 1036.
- For eleventh instalment of interest, at five per centum, on forty thousand dollars for education, per third article treaty tenth May, eighteen hundred and fifty-four, two thousand dollars.
- For permanent annuity for educational purposes, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen, and third article treaty tenth May, eighteen hundred and fifty-four, two thousand dollars. Vol. vii. p. 46.
- Six Nations of New York.* — For permanent annuity in clothing and other useful articles, per sixth article treaty eleventh November, seven hundred and ninety-four, four thousand five hundred dollars. Six Nations of New York.
Vol. vii. p. 46.
- Treaty of Fort Laramie.* — For fourth of five instalments, at the discretion of the President, in provisions and merchandise, for payment of annuities, and transportation of the same, to certain tribes of Indians, seventy thousand dollars. Treaty of Fort Laramie.
Vol. xi. p. 749.
- Umpquas, (Cow Creek Band.)* — For eleventh of twenty instalments in blankets, clothing, provisions, and stock, per third article treaty nineteenth September, eighteen hundred and fifty-three, five hundred and fifty dollars. Umpquas (Cow Creek band).
Vol. x. p. 1027.
- Umpquas and Calapooias, of Umpqua Valley, Oregon.* — For last of five instalments, of the second series, of annuity for beneficial objects, to be expended as directed by the President, per third article treaty nineteenth September, eighteen hundred and fifty-three, two thousand three hundred dollars. Umpquas and Calapooias of Umpqua Valley.
Vol. x. p. 1127.
- For last of ten instalments for the pay of a blacksmith and furnishing shop, per sixth article treaty twenty-ninth of November, eighteen hundred and fifty-four, one thousand five hundred dollars.
- For tenth of fifteen instalments for the pay of a physician and purchase of medicines, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four, two thousand dollars.
- For last of ten instalments for the pay of a farmer, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four, one thousand dollars.
- For tenth of twenty instalments for the pay of a teacher and purchase of books and stationery, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four, one thousand four hundred and fifty dollars.
- Winnebagoes.* — For interest on one million dollars, at five per centum, per fourth article treaty first November, eighteen hundred and thirty-seven, fifty thousand dollars. Winnebagoes.
Vol. vii. p. 545.

Vol. ix. p. 878. For eighteenth of thirty instalments of interest on eighty-five thousand dollars, at five per centum, per fourth article treaty thirteenth October, eighteen hundred and forty-six, four thousand two hundred and fifty dollars.

Removal of
the Sioux, &c.,
from Minnesota.

For deficiencies in subsistence and expenses of removal and support of the Sioux and Winnebago Indians of Minnesota, during the fiscal year ending June thirtieth, eighteen hundred and sixty-four, one hundred thirty-seven thousand two hundred and ninety-three dollars and forty cents: *Provided*, That the portion expended in behalf of the Winnebagoes shall be reimbursed to the treasury upon the sale of their lands in Minnesota, to enable the Secretary of the Interior to take charge of certain stray bands of Winnebago and Pottowatomie Indians, now in the State of Wisconsin, with a view to prevent any further depredations by them upon the citizens of that state, and for provisions and subsistence, ten thousand dollars: *Provided*, That the proportion of annuities to which said stray bands of Pottowatomies and Winnebagoes would be entitled if they were settled upon their reservations with their respective tribes shall be retained in the treasury to their credit, from year to year, to be paid to them when they shall unite with their said tribes, or to be used by the Secretary of the Interior in defraying the expenses of their removal, or in settling and subsisting them on any other reservation which may hereafter be provided for them.

Special agent. For the salary of a special agent, to take charge of said Indians, fifteen hundred dollars.

Yancton Sioux.
Vol. xi. p. 744.

Yancton Tribe of Sioux. — For sixth of ten instalments to be paid to them or expended for their benefit, commencing with the year in which they shall remove to and settle and reside upon their reservation, per fourth article treaty nineteenth April, eighteen hundred and fifty-eight, sixty-five thousand dollars.

Calapooias,
Molallas, &c., of
Willamette Valley.

Vol. x. p. 1144.

Calapooias, Molalla, and Clackamas Indians, of Willamette Valley. — For last of five instalments of annuity for beneficial objects, per second article treaty twenty-second January, eighteen hundred and fifty-five, eight thousand dollars.

Poncas.

Vol. xii. p. 997.

Poncas. — For the first of ten instalments of the second series, to be paid to them, or expended for their benefit, commencing with the year in which they shall remove to and settle upon the tract reserved for their future homes, per second article treaty twelfth March, eighteen hundred and fifty-eight, ten thousand dollars.

For sixth of ten instalments for the establishment and maintenance of one or more manual-labor schools, under the direction of the President, per second article treaty twelfth March, eighteen hundred and fifty-eight, five thousand dollars.

For sixth of ten instalments, or during the pleasure of the President, to be expended in furnishing said Indians with such aid and assistance in agricultural and mechanical pursuits, including the working of the mill provided for in the first part of this article, as the Secretary of the Interior may consider advantageous and necessary for them, per second article treaty twelfth March, eighteen hundred and fifty-eight, seven thousand five hundred dollars.

Dwamish, &c.,
in Washington
Territory.

Vol. xii. p. 927.

Dwamish and other Allied Tribes in Washington Territory. — For fifth instalment on one hundred and fifty thousand dollars, under the direction of the President, per sixth article treaty twenty-second January, eighteen hundred and fifty-five, ten thousand dollars.

For fifth of twenty instalments for the establishment and support of an agricultural and industrial school, and to provide said school with a suitable instructor or instructors, per fourteenth article treaty twenty-second January, eighteen hundred and fifty-five, three thousand dollars.

For fifth of twenty instalments for the establishment and support of a smith and carpenter shop, and to furnish them with the necessary tools,

per fourteenth article treaty twenty-second January, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for the employment of a blacksmith, carpenter, farmer, and physician, who shall furnish medicines for the sick, per fourteenth article treaty twenty-second January, eighteen hundred and fifty-five, four thousand six hundred dollars.

Makah Tribe. — For second of three instalments on thirty thousand dollars, under the direction of the President, per fifth article treaty thirty-first January, eighteen hundred and fifty-five, two thousand dollars.

Makah tribe.
Vol. xii. p. 940.

For fifth of twenty instalments for the support of an agricultural and industrial school, and for pay of teachers, per eleventh article treaty thirty-first January, eighteen hundred and fifty-five, two thousand five hundred dollars.

For fifth of twenty instalments for support of a smith and carpenters' shop, and to provide the necessary tools therefor, per eleventh article treaty thirty-first January, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for the employment of a blacksmith, carpenter, farmer, and physician, who shall furnish medicines for the sick, per eleventh article treaty thirty-first January, eighteen hundred and fifty-five, four thousand six hundred dollars.

Walla-Walla, Cayuse, and Umatilla Tribes. — For last of five instalments of eight thousand dollars, under the direction of the President, per second article treaty ninth June, eighteen hundred and fifty-five, eight thousand dollars.

Walla-Walla,
Cayuse, and
Umatilla tribes.
Vol. xii. p. 947.

For fifth of twenty instalments for the purchase of all necessary mill-fixtures and mechanical tools, medicines, and hospital stores, books and stationery for schools, and furniture for the employees, per fourth article treaty ninth June, eighteen hundred and fifty-five, three thousand dollars.

For fifth of twenty instalments for the pay and subsistence of one superintendent of farming operations, one farmer, two millers, one blacksmith, one wagon and plough maker, one carpenter and joiner, one physician, and two teachers, per fourth article treaty ninth June, eighteen hundred and fifty-five, eleven thousand two hundred dollars.

For fifth of twenty instalments for the pay of each of the head chiefs of the Walla-Walla, Cayuse, and Umatilla bands, the sum of five hundred dollars per annum, per fifth article treaty ninth June, eighteen hundred and fifty-five, one thousand five hundred dollars.

For fifth of twenty instalments for salary for the son of Pio-pio-mox-mox, per fifth article treaty ninth June, eighteen hundred and fifty-five, one hundred dollars.

For the erection of a saw and grist mill, in accordance with the provisions of the fourth article of the treaty of June ninth, eighteen hundred and fifty-five, ten thousand dollars.

Yakama Nation. — For last of five instalments for beneficial objects, at the discretion of the President, per fourth article treaty ninth June, eighteen hundred and fifty-five, ten thousand dollars.

Yakama nation.
Vol. xii. p. 953.

For fifth of twenty instalments for the support of two schools, one of which to be an agricultural and industrial school; keeping in repair school-buildings, and for providing suitable furniture, books, and stationery, per fifth article treaty ninth June, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for the employment of one superintendent of teaching and two teachers, per fifth article treaty ninth June, eighteen hundred and fifty five, three thousand two hundred dollars.

For fifth of twenty instalments for the employment of one superintendent of farming and two farmers, two millers, two blacksmiths, one tinner, one gunsmith, one carpenter, and one wagon and plough maker,

per fifth article treaty ninth June, eighteen hundred and fifty-five, nine thousand four hundred dollars.

For fifth of twenty instalments for keeping in repair saw and flouring mills, and for furnishing the necessary tools and fixtures, per fifth article treaty ninth June, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for keeping in repair the hospital, and providing the necessary medicines and fixtures therefor, per fifth article treaty ninth June, eighteen hundred and fifty-five, three hundred dollars.

For fifth of twenty instalments for the pay of a physician, per fifth article treaty ninth June, eighteen hundred and fifty-five, one thousand four hundred dollars.

For fifth of twenty instalments for keeping in repair the buildings required for the various employees, and for providing the necessary furniture therefor, per fifth article treaty ninth June, eighteen hundred and fifty-five, three hundred dollars.

For fifth of twenty instalments for the salary of such person as the said confederated tribes and bands of Indians may select to be their head chief, per fifth article treaty ninth June, eighteen hundred and fifty-five, five hundred dollars.

Nez Perce In-]
dians.
Vol. xii. p. 958.

Nez Perce Indians. — For last of five instalments for beneficial objects, at the discretion of the President, per fourth article treaty eleventh June, eighteen hundred and fifty-five, ten thousand dollars.

For fifth of twenty instalments for the support of two schools, one of which to be an agricultural and industrial school; keeping in repair school-buildings, and for providing suitable furniture, books, and stationery, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for the employment of one superintendent of teaching and two teachers, per fifth article treaty eleventh June, eighteen hundred and fifty-five, three thousand two hundred dollars.

For fifth of twenty instalments for keeping in repair blacksmiths', tin-smiths', gunsmiths', carpenters', and wagon and plough makers' shops, and for providing necessary tools therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for the employment of one superintendent of farming, and two farmers, two millers, two blacksmiths, one tinner, one gunsmith, one carpenter, and one wagon and plough maker, per fifth article treaty eleventh June, eighteen hundred and fifty-five, nine thousand four hundred dollars.

For fifth of twenty instalments for keeping in repair saw and flouring mills, and for furnishing the necessary tools and fixtures therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for keeping in repair the hospital, and providing the necessary medicines and furniture therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, three hundred dollars.

For fifth of twenty instalments for pay of a physician, per fifth article treaty eleventh June, eighteen hundred and fifty-five, one thousand four hundred dollars.

For fifth of twenty instalments for keeping in repair the buildings for the various employees, and for providing the necessary furniture therefor, per fifth article treaty eleventh June, eighteen hundred and fifty-five, three hundred dollars.

For fifth of twenty instalments for the salary of such person as the tribe may select to be their head chief, per fifth article treaty eleventh June, eighteen hundred and fifty-five, five hundred dollars.

Flatheads and
other confed-
erated tribes.

Flatheads and other confederated Tribes. — For the first of five instalments on one hundred and twenty thousand dollars, being the second

series, for beneficial objects, at the discretion of the President, per fourth article treaty sixteenth July, eighteen hundred and fifty-five, five thousand dollars.

Flatheads, &c.
Vol. xii. p. 976.

For fifth of twenty instalments for the support of an agricultural and industrial school, keeping in repair the buildings, and providing suitable furniture, books, and stationery, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, three hundred dollars.

For fifth of twenty instalments for providing suitable instructors therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, one thousand eight hundred dollars.

For fifth of twenty instalments for keeping in repair blacksmiths', tin and gunsmiths', carpenters', and wagon and plough makers' shops, and providing necessary tools therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for the employment of two farmers, two millers, one blacksmith, one tinner, one gunsmith, one carpenter, and one wagon and plough maker, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, seven thousand four hundred dollars.

For fifth of twenty instalments for keeping in repair saw and flouring mills, and for furnishing the necessary tools and fixtures therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for keeping in repair the hospital, and providing the necessary medicines and furniture therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, three hundred dollars.

For fifth of twenty instalments for pay of a physician, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, one thousand four hundred dollars.

For fifth of twenty instalments for keeping in repair the buildings required for the various employees, and furnishing necessary furniture therefor, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, three hundred dollars.

For fifth of twenty instalments for the pay of each of the head chiefs of the Flatheads, Kootenays, and Upper Pend d'Oreilles tribes, per fifth article treaty sixteenth July, eighteen hundred and fifty-five, fifteen hundred dollars.

Confederated Tribes and Bands of Indians in Middle Oregon. — For fifth of five instalments of eight thousand dollars for beneficial objects, at the discretion of the President, per second article treaty twenty-fifth June, eighteen hundred and fifty-five, eight thousand dollars.

Middle Oregon.
Vol. xii. p. 964.

For fifth of fifteen instalments for pay and subsistence of one farmer, one blacksmith, and one wagon and plough maker, per fourth article treaty twenty-fifth June, eighteen hundred and fifty-five, three thousand five hundred dollars.

For fifth of twenty instalments for pay and subsistence of one physician, one sawyer, one miller, one superintendent of farming operations, and one school teacher, per fourth article treaty twenty-fifth June, eighteen hundred and fifty-five, five thousand six hundred dollars.

For fifth of twenty instalments for payment of salary to the head chief of said confederated bands, per fourth article treaty twenty-fifth June, eighteen hundred and fifty-five, five hundred dollars.

Mole Indians. — For fifth of ten instalments for keeping in repair saw and flouring mills, and for the pay of necessary employees, the benefits of which to be shared alike by all the confederated bands, per second article treaty twenty-first December, eighteen hundred and fifty-five, one thousand five hundred dollars.

Molels.
Vol. xii. p. 981.

For last of five instalments (in addition to the instalment specified in the treaty of twenty-ninth November, eighteen hundred and fifty-four, with the Umpquas and Calapooias of Umpqua valley) for furnishing iron and steel and other materials for the smith in [and] tin-shops provided for in

said treaty, and for the pay of the necessary mechanics, per second article treaty twenty-first December, eighteen hundred and fifty-five, one thousand eight hundred dollars.

For fifth of ten instalments for the pay of a carpenter and joiner to aid in erecting buildings and making furniture for said Indians, and to furnish tools in said service, per second article treaty twenty-first December, eighteen hundred and fifty-five, two thousand dollars.

For pay of teachers to manual-labor school, for all necessary materials therefor, and for the subsistence of the pupils, per second article treaty twenty-first December, eighteen hundred and fifty-five, three thousand dollars.

For last of five instalments for the pay of an additional farmer, per second article treaty twenty-first December, eighteen hundred and fifty-five, eight hundred dollars.

Qui-nai-elts
and Quil-leh-utes.
Vol. xii. p. 972.

Qui-nai-elt and Quil-leh-ute Indians. — For second of three instalments on twenty-five thousand dollars for beneficial objects, under the direction of the President, per fourth article treaty first July, eighteen hundred and fifty-five, one thousand six hundred dollars.

For fifth of twenty instalments for the support of an agricultural and industrial school, and for pay of suitable instructors, per tenth article treaty first July, eighteen hundred and fifty-five, two thousand five hundred dollars.

For fifth of twenty instalments for support of smith and carpenter shop, and to provide the necessary tools therefor, per tenth article treaty first July, eighteen hundred and fifty-five, five hundred dollars.

For fifth of twenty instalments for the employment of a blacksmith, carpenter, and farmer, and a physician who shall furnish medicines for the sick, per tenth article treaty first July, eighteen hundred and fifty-five, four thousand six hundred dollars.

S'Klallams.
Vol. xii. p. 934.

S'Klallams. — For second of three instalments on sixty thousand dollars, under the direction of the President, per fifth article treaty twenty-sixth January, eighteen hundred and fifty-five, four thousand dollars.

For fifth of twenty instalments for the support of an agricultural and industrial school, and for pay of suitable teachers, per eleventh article treaty twenty-sixth January, eighteen hundred and fifty-five, two thousand five hundred dollars.

For fifth of twenty instalments for the employment of a blacksmith, carpenter, farmer, and a physician who shall furnish medicines for the sick, per eleventh article treaty twenty-sixth January, eighteen hundred and fifty-five, four thousand six hundred dollars.

Ottawas of
Blanchard's Fork
and Roche de
Bœuf.
Vol. xii. p. 1238.

Ottawa Indians of Blanchard's Fork and Roche de Bœuf. — For second of four instalments, in money, per fourth article treaty twenty-fourth June, eighteen hundred and sixty-two, eight thousand five hundred dollars.

For interest on twenty-five thousand five hundred dollars, at five per centum, per fourth article treaty twenty-fourth June, eighteen hundred and sixty-two, one thousand two hundred and seventy-five dollars.

Arapahoes and
Cheyennes of the
Upper Arkansas.

Arapahoes and Cheyenne Indians of the Upper Arkansas River. — For fourth of fifteen instalments of annuity of thirty thousand dollars, to be expended for their benefit, that is to say, fifteen thousand dollars per annum for each tribe, commencing with the year in which they shall remove to and settle upon their reservations, thirty thousand dollars.

For second of five instalments to provide the said Indians with a mill suitable for sawing timber and grinding grain, one or more mechanics' shops, with necessary tools for the same, and dwelling-houses for an interpreter, miller, engineer for mill, (if one be necessary,) farmers, and the mechanics that may be employed for their benefit, five thousand dollars.

For transportation and necessary expenses of delivery of annuities, goods, and provisions, five thousand dollars.

For insurance, transportation, and necessary expenses of the delivery of annuities and provisions of [to] the Chippewas of Lake Superior, five thousand seven hundred and sixty-two dollars and sixty-three cents.

For insurance, transportation, and necessary expenses of the delivery of annuities and provisions of [to] the Chippewas of the Mississippi, three thousand eight hundred and eighty-six dollars and seventy-five cents.

Indian Service in New Mexico. — For general incidental expenses of the Indian service in New Mexico, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, fifty thousand dollars. Indian service
in New Mexico.

New Mexico Superintendency. — For deficiency in the appropriation for the Indian service in New Mexico, for the fiscal year ending June thirtieth, eighteen hundred and sixty-four, twenty-five thousand dollars. New Mexico
Superintendency.

Indian Service in the District of Country leased from the Choctaws for the Indians lately residing in Texas. — For the expenses of colonizing, supporting, and furnishing agricultural implements and stock; pay of necessary employees, purchase of clothing, medicines, iron and steel, and maintenance of schools for Indians lately residing in Texas, to be expended under the direction of the Secretary of the Interior, twenty-two thousand eight hundred and twenty-five dollars. Indian service
in country leased
from Choctaws.

For the Wichitas and other affiliated Bands. — For the expenses of colonizing, supporting, and furnishing said bands with agricultural implements and stock, pay of necessary employees, purchase of clothing, medicines, iron and steel, and maintenance of schools, to be expended under the direction of the Secretary of the Interior, thirty-seven thousand eight hundred dollars. Wichitas, &c.

Eastern Bands of Shoshonees. — For first of twenty instalments, to be expended under the direction of the President in the purchase of such articles as he may deem suitable to their wants, either as hunters or herdsmen, per fifth article treaty second July, eighteen hundred and sixty-three, for the fiscal year ending June thirty, eighteen hundred and sixty-five, ten thousand dollars. Shoshonees,
Eastern bands.

Northwestern Bands of Shoshonees. — For first of twenty instalments, to be expended under the direction of the President in the purchase of such articles as he may deem suitable to their wants, either as hunters or herdsmen, per third article treaty thirtieth July, eighteen hundred and sixty-three, for the fiscal year ending June thirty, eighteen hundred and sixty-five, five thousand dollars. Northwestern
bands.

Goshiss Bands of Shoshonees. — For first of twenty instalments to be expended under the direction of the President in the purchase of such articles, including cattle for herding, or other purposes, as he shall deem suitable for their wants and condition, either as hunters or herdsmen, per seventh article treaty October twelve, eighteen hundred and sixty-three, for the fiscal year ending June thirty, eighteen hundred and sixty-five, one thousand dollars. Goshiss bands.

Creek Nation. — For interest on two hundred thousand dollars, at five per centum per annum, as permanent annuity, to be paid them in money, or for such mechanical labor or useful articles as the Secretary of the Interior may from time to time direct, per third article treaty September three, eighteen hundred and sixty-three, for the fiscal year ending June thirty, eighteen hundred and sixty-five, ten thousand dollars, payable on condition that the said nation ratify the amendments made by the Senate. Creeks.

For payment of first instalment, to be expended for their benefit in the purchase of stock, horses, sheep, clothing, and such other articles as the Secretary of the Interior, with the council of said nation, may direct, per fourth article of treaty September three, eighteen hundred and sixty-three, as amended by the Senate, for the fiscal year ending June thirty, eighteen hundred and sixty-five, forty thousand dollars, payable on condition that the said nation ratify the amendments made by the Senate.

Chippewas of Red Lake and Pembina. — For this amount as annuity to be paid per capita to the Red Lake band of Chippewas during the Chippewas of
Red Lake and
Pembina.

Chippewas of
Red Lake and
Pembina.

pleasure of the President, per third article of treaty October second, eighteen hundred sixty-three, and second article supplementary to treaty April twelve, eighteen hundred sixty-four, approved April twenty-five, eighteen hundred sixty-four, ten thousand dollars.

Post, p. 668.

For this amount to the Pembina band of Chippewas, per same article and treaty, during the pleasure of the President, five thousand dollars.

For the first of fifteen instalments to be expended annually for the purpose of supplying them with gilling-twine, cotton-matter, calicoes, linsey, blankets, sheeting, flannels, provisions, farming-tools, and for such other useful articles, and for such other useful purposes, as may be deemed for their best interests, per third article of the supplementary treaty April twelve, eighteen hundred sixty-four, eighteen thousand dollars.

Post, pp. 689,

For the first of fifteen instalments for same objects, for the Pembina band of Chippewas, per third article of the supplementary treaty April twelfth, eighteen hundred sixty-four, four thousand dollars.

For the first of fifteen instalments for pay of one blacksmith, one physician who shall furnish medicine for the sick, one miller, and one farmer, per fourth article supplementary treaty April twelve, eighteen hundred and sixty-four, three thousand nine hundred dollars.

For first of fifteen instalments for the purchase of iron and steel, and other articles for blacksmithing purposes, per fourth article supplementary treaty April twelve, eighteen hundred sixty-four, one thousand five hundred dollars.

For first of fifteen instalments to be expended for carpentering and other purposes, per fourth article supplementary treaty April twelve, eighteen hundred and sixty-four, one thousand dollars.

For this amount to be expended in building a saw-mill, with a run of millstones attached, per fifth article supplementary treaty April twelve, eighteen hundred sixty-four, six thousand dollars.

For this amount to be paid to the chiefs of said bands, through their agents, per fourth article treaty October second, eighteen hundred sixty-three, as amended March first, eighteen hundred sixty-four, and modified by the sixth article supplementary treaty April twelve, eighteen hundred sixty-four, twenty-five thousand dollars.

Depredations
by Indians.

For this amount for the payment of claims of injured persons for depredations committed by said Indians on the goods of certain British and American traders, at the mouth of Red Lake River, and for exactions forcibly levied on the proprietors of steamboats plying on Red River, to be paid in full, and the remainder to be paid pro rata upon the debts of said tribe incurred since the first day of January, eighteen hundred and fifty-nine, to be ascertained by the agents in connection with the chiefs, per fourth article treaty October second, eighteen hundred sixty-three, as amended March first, eighteen hundred sixty-four, and modified by the sixth article supplementary treaty April twelfth, eighteen hundred sixty-four, seventy-five thousand dollars.

For this amount to defray the expense of cutting out a road from Leach Lake to Red Lake, per fifth article of treaty October second, eighteen hundred sixty-three, five thousand dollars.

For the first of fifteen instalments to defray the expense of a board of visitors, to consist of not more than three persons, to attend upon the annuity payments of the said Chippewa Indians, whose salary shall not exceed five dollars per day, nor more than twenty days, and ten cents per mile travelling expenses, and not to exceed three hundred miles, per sixth article of treaty October second, eighteen hundred sixty-three, three hundred and ninety dollars.

For insurance and transportation of annuity goods and provisions, and material for building mill, including machinery, iron and steel for blacksmiths, etc., for the Chippewas of Red Lake and Pembina tribe, ten thousand dollars.

For this amount to defray the expense of bringing on the delegation of Chippewas of Red Lake and Pembina tribe, and to defray their expenses while detained in the city of Washington, in making treaty, and their return to their home, ten thousand dollars.

Chippewas of Red Lake and Pembina.

For this amount to defray the expense of a board of visitors, to consist of not more [than] three persons, to attend upon the annuity payments of the Chippewas of the Mississippi, and the Pillager and Lake Winnebagoish bands of Chippewa Indians in Minnesota, whose salary shall not exceed five dollars per day, and not to be employed more than twenty days to attend upon any one payment and the duties connected therewith, and ten cents per mile for travel, not exceeding three hundred miles, per Senate amendment to seventh article treaty March eleventh, eighteen hundred and sixty-three, for the fiscal year ending June thirtieth, eighteen hundred sixty-four, three hundred and ninety dollars.

Same for fiscal year ending June thirtieth, eighteen hundred sixty-five, three hundred and ninety dollars.

Miscellaneous. — For the general incidental expenses of the Indian service in California, including travelling expenses of the superintendent and agents, seven thousand five hundred dollars.

Miscellaneous. Indian service in California.

For the purchase of cattle for beef and milk, together with clothing and food, teams and farming-tools for Indians in California, fifty-five thousand dollars.

For the compensation of five extra clerks employed in the Indian office, under the acts of fifth August, eighteen hundred and fifty-four, and third March, eighteen hundred and fifty-five, and under appropriations made from year to year, seven thousand dollars.

Pay of extra clerks. 1854, ch. 267. Vol. x. p. 576. 1855, ch. 175. Vol. x. p. 643.

For compensation of one clerk in the Indian office, to enable the Secretary of the Interior to carry out the regulations prescribed to give effect to the seventh section of the act of March third, eighteen hundred and fifty-five, granting bounty lands to Indians, fourteen hundred dollars.

For compensation of two extra clerks in the Indian office, employed to carry out the treaty with the Chickasaws in the adjustment of their claims, two thousand eight hundred dollars.

For insurance, transportation, and necessary expenses of the delivery of annuities and provisions to the Indian tribes in Minnesota and Michigan, twenty thousand three hundred and fifty dollars and sixty-two cents.

Annuities to Indians in Michigan and Minnesota;

For insurance, transportation, and necessary expenses of the delivery of Pawnee, Ponca, and Yancton Sioux annuity goods and provisions, ten thousand dollars.

to Pawnees, Poncas, and Yancton Sioux;

For expenses of transportation and delivery of annuity goods to the Blackfeet Indians for the year, seventeen thousand dollars.

to Blackfeet.

For expenses attending the vaccination of Indians, two thousand five hundred dollars.

Vaccination.

For the general incidental expenses of the Indian service in Oregon and Washington Territory, including insurance and transportation of annuity goods and presents, (where no special provision therefor is made by treaties,) and office [and] travelling expenses of the superintendent and sub-agents, thirty-five thousand dollars.

Service in Oregon and Washington.

For defraying the expenses of the removal and subsistence of Indians in Oregon and Washington Territory (not parties to any treaty) and for pay of necessary employees, fifty thousand dollars.

Indian Service [Service] in Nevada Territory. — For the general incidental expenses of the Indian service in Nevada Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty-five thousand dollars.

Service in Nevada;

For general incidental expenses of the Indian service in the Territory of Dakota, including the purchase of goods and other articles, with a view to the preservation of peace, ten thousand dollars.

in Dakota.

Indian service
in Utah;

Indian Service in Utah Territory.— For the general incidental expenses of the Indian service in Utah Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty-five thousand dollars.

For deficiency in the appropriation for the Indian service in Utah Territory, for the fiscal year ending June thirtieth, eighteen hundred and sixty-four, fifteen thousand dollars.

For the transportation and necessary expenses of delivery of provisions, &c., to the Indians within the Utah Superintendency, for the fiscal year ending June thirty, eighteen hundred and sixty-five, twenty-two thousand five hundred dollars.

in Colorado;

Indian Service in Colorado [o] Territory.— For the general incidental expenses of the Indian service in Colorado Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty-five thousand dollars.

Cherokees.

Cherokee Nation.— For interest on the "abstracted bonds" belonging to the national funds, fourteen thousand three hundred and eighty-five dollars.

For interest on the "abstracted bonds" belonging to the school-fund, three thousand two hundred and seventy dollars.

For interest on the proceeds of sales of school-lands in Alabama, sold at different times from and including the second quarter of the year eighteen hundred and fifty, to December thirty-one, eighteen hundred and sixty, computed to March first, one thousand eight hundred and sixty-four, sixteen thousand seven hundred and fifty-eight dollars and four cents.

Subsistence of
the Sisseton, &c.
bands of Sioux,
&c., Indians.

For subsistence and clothing, and general incidental expenses of the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of Sioux or Dakota Indians, at their new homes, one hundred thousand dollars.

Service in
Idaho;

For the general incidental expenses of the Indian service in Idaho Territory, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

in Arizona.

For the general incidental expenses of the Indian service in the Territory of Arizona, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes and to sustain themselves by the pursuits of civilized life, to be expended under the direction of the Secretary of the Interior, twenty thousand dollars.

To enable the Secretary of the Interior to settle the claims and carry into effect the provisions of the second article of the treaty of May thirtieth, eighteen hundred and fifty-four, with the confederated tribe of Kaskaskia, Peoria, Piankeshaw, and Wea Indians, three thousand one hundred and sixty-four dollars and fifty-one cents.

Kaskaskias,
Peorias, Pianke-
shaws, and Weas.

Money appro-
priated for tribes
in hostility, may
be applied to sup-
port refugees.

SEC. 2. *And be it further enacted,* That the Secretary of the Interior be, and he is hereby, authorized to expend such part of the amount herein appropriated to carry into effect any treaty stipulation with any tribe or tribes of Indians, all, or any portion of whom, shall be in a state of actual hostility to the government of the United States, including the Creeks, Choctaws, Chickasaws, Seminoles, Wichitas, and other affiliated tribes, as well as the Cherokees, as may be found necessary to support such individual members of said tribes as have been driven from their homes or reduced to want on account of their friendship to the United States, and enable them to subsist until they can support themselves in their own country: *Provided,* that an account shall be kept of the sums so paid for the benefit of the said members of said tribes, which account shall be re-

Account to be
kept.

dered to congress at the commencement of the next session thereof. And all purchases of articles for the purposes above set forth shall be made of the lowest responsible bidder, after sufficient public notice by advertisement in appropriate newspapers: *Provided, also,* That the said secretary shall not be required to accept any bid which is in his judgment unreasonable in its character: *Provided, further,* That no part of said annuities shall be expended for Indians outside of the Indian Territory south of Kansas, except in providing for such individual Indians or families as are sick and unable to remove to that territory, or such as may be driven out of that territory by armed rebels, after the passage of this act.

Purchases to be made of lowest, &c., bidder.

Limit to expenditures.

SEC. 3. *And be it further enacted,* That for the temporary subsistence of the Weas, Piankeshaws, Peorias, and Kaskaskias, and furnishing the same with clothing, five thousand dollars.

Weas, Piankeshaws, Peorias, and Kaskaskias.

APPROVED, June 25, 1864.

CHAP. CXLIX. — *An Act to provide for the Examination of certain Officers of the Army.*

June 25, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every quartermaster and assistant quartermaster, and every commissary and assistant commissary of subsistence, and every paymaster and additional paymaster shall, as soon as practicable, be ordered to appear for examination as to his qualifications before a board to be composed of three staff officers of the corps to which he belongs, of recognized merit and fitness, of whom two at least shall be officers of volunteers, which board shall make a careful examination as to the qualifications of all officers who may appear before them in pursuance of this act, and shall also keep minutes and make a full and true record of the examination in each case. And all members of such boards of examination shall, before proceeding to the discharge of their duties as herein provided, swear or affirm that they will conduct all examinations with impartiality, and with a sole view to the qualifications of the person or persons to be examined, and that they will not divulge the vote of any member upon the examination of any officer who may appear before them.

Quartermasters and assistants, and commissaries and assistants, to be examined.

Examining board, of whom to consist;

what to do;

to be sworn.

SEC. 2. *And be it further enacted,* That such boards of examination shall be convened under the direction of the Secretary of War, by the quartermaster-general, the commissary-general of subsistence, and the paymaster-general, at convenient places; and general rules of examination and a standard of qualifications shall be prescribed by said officers, subject to the approval of the Secretary of War, and shall be published in general orders.

Boards of examination, how convened, &c.

SEC. 3. *And be it further enacted,* That after such general orders shall have been published for sixty days, if any officer who shall then be ordered before a board of examiners, under the provisions of this act, shall fail for thirty days, after receiving such special order, to report himself as directed, all his pay and allowances shall cease and be forfeited until he does appear and report for examination; and if he shall still thereafter fail for a further period of thirty days so to appear, he shall thereupon be dropped from the rolls of the army: *Provided, however,* That if such failure to appear and report shall have been occasioned by wounds or sickness, or other physical disability, then there shall be no forfeiture of pay until thirty days after such disability has been removed; but if in sixty days after the disability is removed the officer shall not report himself, he shall then be dropped from the rolls as in other cases.

Officers neglecting to appear for examination, how punished.

Proviso.

SEC. 4. *And be it further enacted,* That if the board of examination shall report that any officer does not possess the requisite business qualifications, they shall forward the record of the examination of such officer

If officers do not pass examination, what proceedings to be had.

Officers failing to pass examination.

to the head of the bureau to which he may belong, and if the head of such bureau shall approve the finding and report of the board, he shall forward the same through the Secretary of War to the President of the United States, and if the President shall confirm the same, the officer so failing in his examination shall, if commissioned, be dismissed from the service with one month's pay, and if not yet commissioned, his appointment shall be revoked. And if the board shall report that any officer fails to pass a satisfactory examination by reason of intemperance, gambling, or other immorality, and if the head of the bureau shall approve the finding and report of the board, and the same being communicated, as before provided, to the President and confirmed by him, then such officer shall be dismissed from the service without pay, and shall not be permitted to reënter the service as an officer: *Provided*, That such dismissal shall not relieve him from liability under existing laws for any offence he may have committed.

Records of examining boards.

SEC. 5. *And be it further enacted*, That the boards of examination shall forward all their records of examination to the heads of the bureaus to which they appertain, and such records shall be filed in the proper bureaus with a suitable index; and any officer who may desire it shall be entitled to receive a copy of the record in his own case upon paying the cost of copying the same.

APPROVED, June 25, 1864.

June 25, 1864.

CHAP. CL. — *An Act to amend an Act entitled "An Act to provide for the Payment of Horses and other Property destroyed in the Military Service of the United States."*

Property of officers lost by capture by the enemy to be paid for.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act to which this is an amendment shall, from the commencement of the present rebellion, extend to and embrace all cases of the loss of horses by any officer, non-commissioned officer, or private in the military service of the United States, while in the line of their duty in such service, by capture by the enemy, whenever it shall appear that such officer, non-commissioned officer, or private was or shall be ordered by his superior officer to surrender to the enemy, and such capture was or shall be made in pursuance of such surrender.

APPROVED, June 25, 1864.

June 25, 1864.

CHAP. CLI. — *An Act to amend an Act entitled "An Act to establish and equalize the Grade of Line Officers of the United States Navy," approved July sixteen, eighteen hundred and sixty-two.*

Corps of commanders in the navy to be temporarily increased.

Provisos.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the corps of commanders in the navy of the United States on the active list be temporarily increased so as to embrace all who had been appointed as such prior to the commencement of the present session of congress, under that construction of the law which then prevailed in the Navy Department: *Provided*, That the number hereby allowed shall not exceed ninety-one: *And provided, further*, That no further appointments of commanders shall be made on the active list till the number by deaths, dismissals, resignations, or otherwise, shall be reduced to seventy-two.

Certain payments to officers in the navy ratified.

SEC. 2. *And be it further enacted*, That all payments heretofore made to any officers in the navy as captains or commanders, under the construction of the law heretofore prevailing in the Navy Department, be, and the same are hereby, ratified and allowed, and the proper accounting officers of the treasury are hereby authorized and instructed to allow the same, in the same way and manner as if there were no question as to the legality of said appointments.

APPROVED, June 25, 1864.

CHAP. CLII. — *An Act to amend the Act of the twenty-first December, eighteen hundred and sixty-one, entitled "An Act to further promote the Efficiency of the Navy."*

June 25, 1864.
1861, ch. 1.
Vol. xii. p. 329.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the act of the twenty-first of December, anno Domini eighteen hundred and sixty-one, entitled "An act to further promote the efficiency of the navy," shall not be so construed as to retire any officer under the age of sixty-two years, and whose name shall not have been borne upon the navy register for a period of forty-five years after he had arrived at the age of sixteen years.

Certain navy officers not to be retired, if, &c.

APPROVED, June 25, 1864.

CHAP. CLIII. — *An Act granting Lands to the State of Wisconsin to build a Military Road to Lake Superior.*

June 25, 1864.

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, granted to the State of Wisconsin, to aid in the construction of a military wagon-road from Wausaw, Marathon County, Wisconsin, following the Wisconsin River as far as Skonowang, and from thence, on the most feasible and direct route, to a point on the state line between the States of Wisconsin and Michigan, in a direction leading to Ontonagon, on Lake Superior, every alternate section of public land, not mineral, designated by odd numbers, for three sections in width on each side of said road. But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold, reserved, or otherwise disposed of any section, or any part thereof, granted as aforesaid, or that the right of preëmption or homestead settlement has attached to the same, then it shall be the duty of the Secretary of the Interior to set apart from the public lands of the United States, as hereinbefore described, designated by odd numbers, as near to said even section aforesaid as may be, and the same shall be located within six miles of said road, so much land as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of preëmption or homestead settlement has attached; which lands, (thus selected in lieu of those sold, reserved, or otherwise appropriated, and to which the right of preëmption or homestead settlement has attached as aforesaid) together with the sections and parts of sections designated by odd numbers as aforesaid, and approved as aforesaid, shall be held by the State of Wisconsin for the use and purpose aforesaid: *Provided,* That the lands hereby granted shall be exclusively applied in the construction of that road for and on account of which such lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatever: *Provided, further,* That any and all lands heretofore reserved to the United States, or granted by any act of congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved and excluded from the operation of this act, except so far as it may be found necessary to locate the route of said road through such reserved lands, in which case the right of way only shall be granted.

Lands granted to Wisconsin for military wagon-road.

Mineral lands not granted.

Lands to be granted in lieu of those previously disposed of.

Lands, how to be applied.

Former grants not affected hereby.

SEC. 2. *And be it further enacted,* That the said lands hereby granted to the said state shall be subject to the disposal of the legislature thereof, for the purposes aforesaid and no other; and the said road shall be, and remain, a public highway for the use of the government of the United States, free from tolls or other charge upon the transportation of any property, troops, or mails of the United States.

State legislature to dispose of lands.
Road to be highway, &c.

SEC. 3. *And be it further enacted,* That the lands hereby granted to said state shall be disposed of only in the following manner — that is to say, when the said governor shall certify to the Secretary of the Interior that

Lands, how only to be disposed of.

any ten consecutive miles of said road has been completed under the provisions of this act, and in accordance with the fourth section of this act, stating definitely where said completed section of road commences and where it terminates, it shall be the duty of the said secretary to cause patents to issue to said state for three sections of land for each mile of road thus completed as aforesaid, and so on until the whole of said road is completed: *Provided, further*, That no patent shall be given for any of the aforesaid lands before the completion of ten consecutive miles of road, or for any road, or for any part of any road, made before the passage of this act, or for any greater quantity than thirty sections for each ten miles completed according to the provisions of this act; and if said road is not completed within five years, no further sales shall be made, and the lands unsold shall revert to the United States.

Patents not to be granted until ten miles of road are completed, &c.

Lands to revert, if, &c.

Road, how to be constructed.

SEC. 4. *And be it further enacted*, That said military road shall be constructed under the direction of such agents or commissioners as the governor of said state may appoint, and where it passes through timbered lands shall be chopped out a uniform width of at least six rods. The road-bed proper to be not less than thirty-two feet wide, and constructed with ample ditches on both sides, so as to afford sufficient drains, with good and substantial bridges and proper culverts and sluices where necessary. All stumps and roots to be thoroughly grubbed out between the ditches the entire length of said road; the central portion of which to be sufficiently raised to afford a dry road-bed by means of drainage from the centre to the side ditches; the hills to be levelled and valleys raised so as to make as easy a grade as practicable.

APPROVED, June 25, 1864.

June 25, 1864.

1850, ch. 76.
Vol. ix. p. 496.

CHAP. CLIV. — *An Act to amend the Act of Congress making Donations to the Settlers on the Public Lands in Oregon, approved September twenty-seven, eighteen hundred and fifty, and the Acts amendatory thereto.*

Failing to file notice in time, not to work forfeiture in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases under the act of congress approved September twenty-seventh, eighteen hundred and fifty, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," and the several acts amendatory and supplemental thereto, in which the actual settlement may be shown to be bona fide, and the claim in all respects to be fully within the requirements of existing laws, except as to the failure of the party to file notice within the time fixed by statute, such failure shall not work forfeiture when no adverse rights intervene before the filing of the required notification by the claimant.

APPROVED, June 25, 1864.

June 25, 1864.

CHAP. CLV. — *An Act to expedite and regulate the Printing of Public Documents, and for other Purposes.*

Heads of departments to send annual reports to superintendent of public printing before, &c.

Number of copies.

Editor to be

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter, instead of furnishing manuscript copies of the documents usually accompanying their annual reports to each house of congress, the heads of the several departments of government shall transmit them, on or before the first day of November in each year, to the superintendent of public printing, who shall cause to be printed the usual number, and, in addition thereto, one thousand copies for the use of the Senate and two thousand copies for the use of the House of Representatives; and that it shall be the duty of the joint committee on printing to appoint some competent person, who shall edit and select such portions of the documents so placed in their

hands as shall, in the judgment of the committee, be desirable for popular distribution, and to prepare an alphabetical index to the same.

SEC. 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized to appoint some competent person to edit the printing of the official reports of the operations of the armies of the United States.

selected to prepare volumes for popular distribution, &c.
Editing of official reports of army.

SEC. 3. *And be it further enacted*, That it shall be the duty of the heads of the several departments of government to furnish the superintendent of public printing with copies of their respective reports, on or before the third Monday in November in each year.

Heads of departments, when to furnish copy of reports.

SEC. 4. *And be it further enacted*, That it shall be the duty of the superintendent of public printing to print the President's message, the reports of the heads of departments, and the abridgment of accompanying documents prepared under the direction of the joint committee on public printing, suitably bound; and that, in addition to the number now required by law, and unless otherwise ordered by either house of congress, it shall be his duty to print ten thousand copies of the same for the use of the Senate, and twenty-five thousand copies for the use of the House, and to deliver the same to the proper officer of each house, respectively, on or before the third Wednesday in December following the assembling of congress, or as soon thereafter as practicable; and further, it shall also be the duty of the said superintendent to cause to be printed and stitched in paper covers twenty-five hundred copies of the annual reports of the executive departments for the use of said departments, respectively; and also one thousand copies of the reports of the commissioner of the general land-office, commissioner of pensions, commissioner of the internal revenue, and such number of the report of the commissioner of Indian affairs, to be bound, not exceeding three thousand copies, as may be directed by the Secretary of the Interior, for their use, respectively; and also five hundred copies of the reports of the superintendent of the Washington aqueduct, architect of the capitol extension, metropolitan police board, third auditor of the treasury, and of the Insane Asylum, Columbia Institute, and commissioner of public buildings, respectively, for their use, and one hundred copies of the report of the bureau of engineers, for the use of said bureau. And he shall not print any greater number of said reports unless otherwise directed by either house of congress.

Superintendent of public printing to print message and documents, &c.

Number of copies of several reports.

SEC. 5. *And be it further enacted*, That seven thousand copies of the "Commercial Relations," annually prepared under the direction of the Secretary of State, be printed and distributed as follows, viz: the usual number (one thousand five hundred and fifty) for the houses of congress; four hundred and fifty for the state department; two thousand for the use of the members of the Senate; and three thousand for the use of the members of the House.

"Commercial Relations," how distributed.

SEC. 6. *And be it further enacted*, That the annual report of the Postmaster-General of offers received and contracts for conveying the mails, in compliance with the twenty-fourth and twenty-fifth sections of the act of congress approved July two, eighteen hundred and thirty-six, be no longer printed, unless specially ordered by either house of congress; and that such portion of the above-mentioned act as authorized the said publication be, and the same is hereby, repealed.

Offers and contracts for conveying mails not to be printed unless, &c.

SEC. 7. *And be it further enacted*, That from and after the passage of this act it shall be the duty of the secretary of the Senate to furnish the superintendent of public printing with correct copies of all laws and joint resolutions as soon as possible after their approval by the President of the United States, and that the superintendent shall immediately cause to be printed, separately, the usual number for the use of the two houses of congress; and, in addition thereto, he shall cause to be printed and bound, at the close of each session of congress, three thousand copies thereof for the use of the Senate and ten thousand copies for the use of

Laws and resolutions.

Number of copies.

- Index. the House, with a complete alphabetical index, prepared under the direction of the joint committee on public printing.
- Advertisement for proposals for paper for printing. Vol. xii. p. 118. SEC. 8. *And be it further enacted*, That section seven of the joint resolution in relation to the public printing, approved June twenty-three, eighteen hundred and sixty, be so amended as to require the superintendent of public printing to advertise only in two newspapers, published in the cities of New York, Cincinnati, Boston, Philadelphia, and Baltimore, for thirty days prior to the first day of November of each year, for proposals for furnishing the paper necessary for the execution of the public printing.
- Lithographing and engraving to be awarded to lowest bidder, if, &c. SEC. 9. *And be it further enacted*, That all lithographing and engraving, where the probable total cost of the maps or plates illustrating or accompanying any one work exceeds two hundred and fifty dollars, shall be awarded to the lowest and best bidder for the interests of the government, due regard being paid to the execution of the work, after due advertisement by the superintendent of public printing, under the direction of the joint committee on printing: *Provided*, That the joint committee on public printing be authorized to empower the superintendent of public printing to make immediate contracts for engraving, whenever, in their opinion, the exigencies of the public service will not justify waiting for advertisement and award.
- Proviso. SEC. 10. *And be it further enacted*, That whenever any person may desire extra copies of any document printed at the government printing office by authority of law, and shall notify the superintendent of public printing of the number of copies desired previous to its being put to press, and shall pay, in advance, the estimated cost thereof to said superintendent, the superintendent shall be authorized, under the direction of the joint committee on public printing, to furnish such extra copies; and the money so received, together with moneys received by him from the sales of paper shavings and imperfections, shall be deposited in the treasury of the United States to the credit of the appropriations for public printing, binding, and paper, respectively, as designated by said superintendent; and, further, the Secretary of the Treasury is hereby directed to cause the moneys heretofore deposited by said superintendent in the treasury of the United States, being the proceeds of sales of paper shavings and imperfections, to be placed to the credit of the appropriations aforesaid, which said several sums of money shall be subject to the requisition of said superintendent in the manner now prescribed by law.
- Extra copies of documents. Proceeds of sales of documents, &c. SEC. 11. *And be it further enacted*, That whenever papers relating to foreign affairs shall be communicated to congress accompanying the annual message of the President, it shall be the duty of the superintendent of public printing to cause to be printed and bound, in addition to the usual number, four thousand copies for the use of the members of the Senate, seven thousand copies for the use of the members of the House of Representatives, and such number for the executive department as the President shall direct.
- Papers relating to foreign affairs. SEC. 12. *And be it further enacted*, That the forms and style in which the printing or binding ordered by any of the departments shall be executed, the materials and size of type to be used, shall be determined by the superintendent of public printing, having proper regard to economy, workmanship, and the purposes for which the work is needed.
- Number of copies. SEC. 13. *And be it further enacted*, That all laws, or parts of laws, joint resolutions, or parts of joint resolutions, conflicting with the above provisions, be, and they are hereby, repealed.
- Form and style of printing and binding. Repealing clause. APPROVED, June 25, 1864.

CHAP. CLVI. — *An Act to provide for the Public Instruction of Youth in the County of Washington, District of Columbia, and for other Purposes.* June 25, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the school districts in the County of Washington, District of Columbia, without the limits of the cities of Washington and Georgetown, shall be and remain as now laid down according to law, subject to revision and alteration by the levy court of said county, and that the school commissioners now in office shall be and remain so until others are appointed. School districts in Washington County, D. C.

SEC. 2. *And be it further enacted,* That the levy court shall annually, on the first Monday in May, appoint one person from each school district as a commissioner of primary schools, of which appointment the clerk of the levy court shall immediately notify the person so appointed; and whenever a vacancy shall occur in the board of said commissioners, the levy court, as soon as may be thereafter, shall fill the same, and all appointments made by, or resolutions of said court concerning, said commissioners shall be forthwith communicated by the clerk of said court to the clerk of the said board of commissioners, and each of said commissioners shall hold the office until a successor is appointed. Commissioners of primary schools;

SEC. 3. *And be it further enacted,* That each of the said commissioners, before he enters upon the execution of his office, and within fifteen days after notice of his appointment, shall take and subscribe, before some justice of the peace of said county, the following oath: "I, ———, do solemnly swear (or affirm, as the case may be) that I will in all things, to the best of my knowledge and ability, well and truly execute the trust reposed in me as commissioner of primary schools for the County of Washington, District of Columbia, without prejudice and according to law;" and every justice of the peace, before whom such oath shall be taken, shall certify the same in writing, and within eight days thereafter transmit or deliver said certificate to the clerk of the levy court for record. their oath;

SEC. 4. *And be it further enacted,* That the said commissioners and their successors shall be a corporation, under the name and style of "The Board of Commissioners of Primary Schools of Washington County, District of Columbia," with power to sue and be sued, and to take and hold, in fee-simple, or otherwise, any estate, real or personal, not prohibited by law, which may be given to, or purchased by, the said board for primary-school purposes, and may alien and sell the same when, in the opinion of the levy court, it will be for the advantage of the said primary schools so to do; and all money in hand, after defraying the whole expenses of the several school districts at the end of each school year, shall be invested in some safe stock in the name of said corporation, and in their corporate name said board may prosecute and maintain actions for injuries done to the grounds, houses, furniture, or other property in their possession. to be a corporation; name and powers.

SEC. 5. *And be it further enacted,* That the said board of commissioners shall make and keep a record of all its official acts, and a strict and particular account of all moneys received or paid out by its order, a statement of which, with the vouchers relating thereto, as well as the record of the board, shall be subject at all times to the inspection of the levy court of said county, and to any tax-payer; and said record, or a copy thereof, certified to be correct by any one of said commissioners, attested by the signature of the clerk of said board, shall be prima facie evidence of their acts in all proceedings, judicial or otherwise; and the said board shall appoint a capable person as their clerk, (who may be one of their own members, or otherwise,) prescribe his duties, and allow him a reasonable compensation for his services. Commissioners to keep records, &c.;

SEC. 6. *And be it further enacted,* That the said board of commissioners shall hold stated meetings in January, April, July, and October, of each and every year, at such times and places as they may appoint, to appoint clerk;

to hold stated meetings.

- and such other meetings as circumstances may require ; but if less than four members are present at any one meeting no business shall be done, except to adjourn to a future day ; and at the stated meetings in April and October the treasurer of the school funds and the collector of taxes shall render in writing a full statement of their accounts respectively for the next preceding half year.
- Quorum.** SEC. 7. *And be it further enacted,* That the clerk of the levy court of said county shall annually, on or before the first Monday in April, furnish to the said board of commissioners alphabetical lists of the owners of property in each school district, according to the last county assessment, and a statement of the total amount of property assessed to each owner, exhibiting the school-tax thereon according to the last levy made by the levy court for school purposes.
- Clerk of levy court to give lists of property owners, &c.
- Commissioners may appoint trustees of school districts.
- SEC. 8. *And be it further enacted,* That the said board of commissioners shall have power annually (or as a vacancy may occur) to appoint two persons in each school district as trustees of that district, who, with the commissioner of such district, shall have charge of the local concerns of the schools therein, and act in concert with the board of commissioners in carrying out all the rules and regulations ordained by the said board, and together may permit the school-house or houses in their district to be used for public worship, or for other purposes of general benefit to the residents of the district.
- Power and duties of commissioners.
School funds.
- SEC. 9. *And be it further enacted,* That the said board of commissioners shall have power, and it shall be their duty—
- First. To receive and disburse any fund which may be provided for the purchase of sites and the erection and support of primary schools in said county and district.
- Scholars.
- Second. To regulate the number of children to be taught in each of said schools, and the price of their tuition.
- Teachers.
- Third. To select, upon a thorough examination, such teachers as are competent, giving to each a certificate of qualifications, without which no teacher shall be entitled to receive pay ; and to fix their salaries and terms of service.
- Expulsion of pupils.
- Fourth. To suspend or expel from any school, with the advice of the commissioner and trustees of the school district, any pupil who will not submit to the reasonable and ordinary rules of order and discipline therein.
- Course of study and text-books.
- Fifth. To prescribe the course of study and the text-books to be used in the schools, to regulate and control the purchase and distribution of books, maps, globes, stationery, and other things necessary for the use of the same, and generally to prescribe rules and regulations for the management, good government, and well ordering of said schools.
- Expenditures, &c.
- Sixth. To report to the levy court, at the close of each school year, the amount of all expenditures on account of schools in the several districts during the previous school year, and the manner in which the same shall have been expended, specifying what portion and amount thereof has been expended for the services of teachers, and also shall particularly set forth the number of pupils taught, and their average attendance and progress, and such other statistics as the levy court may require.
- Attendance on schools, &c.
- School-houses, books, &c.
- Seventh. To select, purchase, or otherwise procure, suitable sites for school-houses in each district ; to adopt plans, and cause to be built, kept in repair, and furnished, such school-houses ; to supply the same with necessary fuel, books, stationery, and appendages, and to defray the necessary expenses of the board : *Provided,* That the pay of teachers shall always have preference.
- Levy court to impose school-tax.
- SEC. 10. *And be it further enacted,* That, for the purpose of supporting said schools, and providing suitable sites, houses, and equipments therefor, the levy court shall, annually, on the first Monday in March, impose and levy a school-tax not exceeding one fourth of one per centum on all the assessed property of said county without the limits of Washington

and Georgetown, which tax shall be due at the same time, and be collected by the county collector in the same manner, and under the same regulations and restrictions, as are prescribed by law in relation to the collection of the county taxes, and which are hereby made applicable to the collection of the school-tax imposed by this act, and when collected shall be paid to the treasurer of the school fund; and the treasurer of the levy court is hereby constituted treasurer of the school fund; and the said treasurer and collector shall be qualified by making oath or affirmation faithfully to discharge the duties required of them; and they shall give bonds respectively to the said board of commissioners, in a sum to be fixed by the levy court, with two sufficient sureties, conditioned for the faithful discharge of the duties required of them by this act, which bonds, being approved by the said board of commissioners, shall be filed with the clerk of the supreme court of the District of Columbia, who is hereby required to file the same, and a copy of either of said bonds, under seal of said court, shall be sufficient evidence of the making thereof; and the said treasurer shall be paid such compensation for his services as the said board of commissioners may allow, and the said collector the same fees as are allowed by the said levy court for collecting the county tax.

Treasurer of school fund.

SEC. 11. *And be it further enacted*, That the whole amount standing to the credit of the school fund, when the aforesaid levy is to be made, shall be taken into the account in determining the amount of tax necessary to meet the current expenses of the school year, which amount shall be levied as aforesaid, and no more; and the said board of commissioners shall apportion the school fund, after deducting such part thereof as the provisions of this act assign to the education of colored children, among the several school districts, giving to each one seventh of the whole amount of school taxes collected and then in hand, after deducting the necessary expenses of the board, and one seventh of all other funds paid in, after deducting as hereinbefore provided for the education of colored children, until an amount shall have accumulated sufficient to purchase a site and erect and furnish a school-house in each district, the cost of which shall not exceed fifteen hundred dollars, (unless by private subscription,) except where the number of scholars is sufficiently large to require two schools, in which case the sum may reach three thousand dollars; after that it shall be apportioned according to the number of children in each district between the ages of six and seventeen years: *Provided*, That not more than the actual expenses of each district shall be paid: *And provided, further*, That more than one school-house may be established in any one district if the funds are procured.

Amount of tax; how determined.

Apportionment of school fund.

Proviso.

SEC. 12. *And be it further enacted*, That in case the said commissioners should not be able to purchase suitable sites for the erection of school-houses, they shall have power to condemn and value a suitable site or sites for that purpose, not exceeding one acre of land in each site, by giving ten days' notice in writing to the proprietors thereof, except in cases where notice cannot be served, and in cases of minors, femme covert, and persons non compos mentis, and filing with the clerk of the levy court of the County of Washington, District of Columbia, for inspection, a certificate describing such lands, with the value assessed thereon, signed by the president and clerk of said board of commissioners, which shall be sufficient notice to the proprietors of such land that the said board of commissioners are ready to pay the amount of damages so assessed; and if within thirty days from the filing of said certificate the proprietors of such land shall not appeal from the decision of said commissioners, by written notice left with the said clerk of the levy court, the amount so assessed shall be paid to the proprietors, and the title to such land and premises shall pass to, and be vested in, the board of commissioners of primary schools of Washington County, District of Columbia, and the said certificate shall be recorded in the land records of Washington County,

Sites for school-houses, how may be procured.

Proceedings.

Sites for school-houses. District of Columbia, and shall be final; but if the proprietors of such land and premises shall, within the said thirty days, notify the said commissioners, in writing, left with the clerk of the levy court, of their dissent from the valuation of such land as made by the said commissioners, or if the land or any part thereof be owned by a minor, femme covert, or person non compos mentis, or if a notice cannot be served, it shall be lawful for the said commissioners, and it is made their duty, by their president and clerk, to issue their warrant to the marshal of the District of Columbia, commanding him to summon a jury of five freeholders, not interested in the matter, to appear on a day to be appointed by the said commissioners, on the premises, and after having each taken an oath (which the marshal or any one of said commissioners is authorized to administer) that he will, without favor or prejudice, assess the damages sustained by the proprietor of said land by reason of the condemnation of said land by the said commissioners, the jury so qualified shall proceed to value and assess the damages accordingly; and if the amount assessed by the said jury shall not be greater than the amount assessed by the said commissioners, the whole costs of the said appeal shall be chargeable to the appellant, to be paid by the said commissioners, and deducted from the cost of the land in settlement therefor; otherwise the said board of commissioners shall pay the expenses incurred by reason of such appeal, the marshal's and jurors' fees to be computed according to the act of congress approved March three, eighteen hundred and sixty-three, defining the powers and duties of the levy court.

Jury to assess damages.

1863, ch. 106.
Vol. xii. p. 799.

Verdict of jury. SEC. 13. *And be it further enacted*, That the said jury, immediately after they shall have completed their inquest and assessed the damages, shall make out a written verdict, setting forth a full and distinct description of the land and premises and the valuation or damages assessed therefor, which shall be signed by them, or a majority of them, and having been attested by the marshal, shall be immediately returned to the clerk of the levy court of the County of Washington, District of Columbia, and shall be final; and the said damages having been paid, or offered to be paid, to the said proprietors, the title to such land shall pass to, and be vested in, "The Board of Commissioners of Primary Schools of Washington County, District of Columbia," and the verdict of the jury shall be recorded in the land records of Washington County, District of Columbia: *Provided*, That it shall be optional with the said commissioners to abide by said verdict, and occupy the said land, or abandon it without being subject to damages therefor.

Proviso.

Sites for school-houses not to be located in certain places.

SEC. 14. *And be it further enacted*, That it shall not be lawful to locate any site for a school-house in any orchard or garden, nor within three hundred yards of any dwelling-house, without the consent of the proprietor of such dwelling-house, and in order to obtain such consent or refusal, thirty days' notice shall be given to said proprietor by the said commissioners, notifying such proprietor of their intention; and if, within thirty days, no answer is returned to said commissioners by said proprietor, it shall be taken for consent, and the said commissioners may proceed to erect their school-house without let or hindrance.

Treasurer neglecting to pay orders, to be liable, &c.;

SEC. 15. *And be it further enacted*, That if the treasurer or collector, having any school funds in his hands, or neglecting or refusing to obtain such funds as by law authorized and directed, shall refuse to pay for two weeks any order of the said commissioners drawn in conformity with the requisitions of this act, such treasurer or collector shall be liable, on proof before any court of justice or justice of the peace having cognizance, and without stay of execution, to pay the full amount of said order and interest thereon, at the rate of twenty per centum per annum, from the first refusal until the day of payment, by way of damages. If any collector appointed or acting under the provisions of this act shall in any case collect more than is due, the person aggrieved shall have his remedy

collecting more than is due.

against such collector by suit or warrant, and if he recover he shall have judgment for double the amount improperly and unjustly extorted from him, and costs. The levy court of Washington County shall exercise a general supervision over the proceedings of said commissioners, may examine their books and papers, and shall prosecute for any delinquencies or violations of their duty. It shall not be lawful for a member of the levy court of said county to be a commissioner of primary schools or trustee of any of the school districts, nor for any person to be at the same time commissioner and trustee as aforesaid.

Levy court to supervise doings of commissioners; member of, not to be commissioner.

SEC. 16. *And be it further enacted*, That any white resident of said county shall be privileged to place his or her child or ward at any one of the schools provided for the education of white children in said county he or she may think proper to select, with the consent of the trustees of both districts; and any colored resident shall have the same rights with respect to colored schools.

Who may place children in schools.

SEC. 17. *And be it further enacted*, That it shall be the duty of the said commissioners to provide suitable and convenient houses or rooms for holding schools for colored children, to employ and examine teachers therefor, and to appropriate a proportion of the school funds, to be determined by the numbers of white and colored children between the ages of six and seventeen years, to the payment of teachers' wages, to the building or renting of school-rooms, and other necessary expenses pertaining to said schools, to exercise a general supervision over them, to establish proper discipline, and to endeavor to promote a thorough, equitable, and practical education of colored children in said county. It shall be lawful for such commissioners to impose a tax of not more than fifty cents per month for each child on the parents or guardians of children attending said schools, to be applied to the payment of expenses of the school of which said child shall be an attendant; and in the exercise of this power the commissioner may, from time to time, discontinue the payment altogether, or may graduate the tax according to the ability of the said taxpayers and the wants of the school: *Provided*, That no child shall be excluded from such school on account of the inability of the parent or guardian to pay said tax. And said commissioners are authorized to receive any donations or contributions that may be made for the benefit of said schools by persons disposed to aid in the elevation of the colored population in the District of Columbia, and to apply the same in such manner as in their opinion shall be best calculated to effect the object of the donors, said commissioners being required to account for all funds received by them, and to report to the levy court in accordance with the provisions of section nine of this act.

Schools for colored children.

SEC. 18. *And be it further enacted*, That the first section of the act of congress entitled "An act providing for the education of colored children in the cities of Washington and Georgetown, District of Columbia, and for other purposes," be, and the same is hereby, repealed; and that from and after the passage of this act it shall be the duty of the municipal authorities of the cities of Washington and Georgetown, in the District of Columbia, to set apart each year, from the whole fund, received from all sources, by such authorities, applicable, under existing provisions of law, to purposes of public education, such a proportionate part thereof as the number of colored children, between the ages of six and seventeen years, in the respective cities bear to the whole number of children thereof, for the purpose of establishing and sustaining public schools in said cities for the education of colored children; that the said proportion shall be ascertained by the last reported census of the population of said cities made prior to said apportionment, and shall be regulated at all times thereby; and that the said fund shall be paid to the trustees appointed under the act of congress approved July eleven, eighteen hundred and sixty-two, entitled "An act relating to schools for the education of colored

Repeal of § 1 of act of 1863, ch. 83. Vol. xii. p. 407.

Proportionate part of school fund to be set apart for schools for colored children.

1862, ch. 151. Vol. xii. p. 537.

children in the cities of Washington and Georgetown, in the District of Columbia," to be disbursed by them in accordance with the provisions of the said act.

Portion of moneys received from fines, &c., to go to school-fund.

SEC. 19. *And be it further enacted*, That one fourth part of all the moneys now in the hands of the marshal of the District of Columbia, or of any other officer of said district, which have accrued from fines, penalties, and forfeitures imposed for the violations of the laws of the United States within said district, shall be by such officer or officers paid to the "Board of Commissioners of Primary Schools of Washington County, District of Columbia," one fourth part to the mayor of the city of Georgetown, and the remaining two fourths thereof to the mayor of the city of Washington, the said sums so paid to the said commissioners and the said mayors to constitute in their hands funds for the support of primary schools within the said county and public schools in said cities in the proportions aforesaid. And it shall be the duty of said marshal and other officers to pay over, every three months, from and after the passage of this act, all money coming into their hands in the manner aforesaid, to the said board of commissioners of primary schools and to the said mayors, in the proportions aforesaid, for the use of the said primary and public schools, any law to the contrary notwithstanding: *Provided*, That the funds thus obtained for educational purposes shall be applied to the education of both white and colored children, in the proportion of the numbers of each between the ages of six and seventeen years as determined by the latest census report that shall have been made prior to said apportionment; and the mayors of the aforementioned cities of Georgetown and Washington are hereby authorized and instructed to pay over such part thereof as may be applicable under the provisions of this section and the proviso thereto to the education of colored children in the aforementioned cities, to the trustees appointed under the act of July eleventh, eighteen hundred and sixty-two, entitled "An act relating to schools for the education of colored children in the cities of Washington and Georgetown, in the District of Columbia," to be used for the education of colored children according to the provisions of law, and the aforementioned officers failing to pay over the moneys as aforesaid shall be liable to the penalty imposed by the second section of the act of congress approved July twelfth, eighteen hundred and sixty-two, entitled "An act to provide for the payment of fines and penalties collected by and paid the justices of the peace in the District of Columbia, under the acts of congress approved the third and fifth of August, eighteen hundred and sixty-one, and for other purposes."

1862, ch. 151.
Vol. xii. p. 537.

1862, ch. 158, § 2.
Vol. xii. p. 542.

Children between eight and fourteen years of age to be sent to school, &c.

Penalty.

Proviso.

SEC. 20. *And be it further enacted*, That every person in the said District of Columbia, having under his or her control a child between the ages of eight and fourteen years, shall annually, during the continuance of such control, send such child to some public school in that part of said district in which he or she shall at the time reside, at least twelve weeks, six of which shall be consecutive, and for every neglect of such duty the party offending shall forfeit to the use of the school of that portion of said district in which he or she shall reside a sum not exceeding twenty dollars, to be recovered before any justice of the peace of the said district: *Provided*, That if it be made to appear to said justice that the party so offending was not able for any cause to send such child to school, or that such child has been attending any other school for a like period of time, or that such child by reason of bodily or mental infirmity was not fit to attend such school, such penalty shall not be enforced.

Children not vaccinated not to be admitted.

SEC. 21. *And be it further enacted*, That the trustees or commissioners having charge of public schools in the said district shall not admit into such schools any child who shall not have been duly vaccinated or otherwise protected against the small-pox; and may make such arrangements for the purpose of ascertaining whether any children within the ages pre-

scribed in the preceding section are not attending the public schools, as they shall deem best for the purpose of enforcing the attendance of such children upon said schools, under the provisions of such section and for enforcing the penalty therein prescribed.

Trustees, &c., to enforce attendance.

SEC. 22. *And be it further enacted*, That this act be, and the same is hereby, declared public and remedial, and shall be construed by all courts of justice according to the equity thereof; and no proceedings of the inhabitants or of the trustees of any school-district, or of the commissioners of primary schools, or of any other officer created under the provisions of this act, shall be set aside or adjudged to be void for defect of form, or for any irregularity therein, so that the requisitions of the said act are substantially complied with.

This act a public act, &c.

Proceedings of trustees, &c., not to be void for defects in form.

SEC. 23. *And be it further enacted*, That the act of congress entitled "An act to provide for the public instruction of youth in primary schools throughout the County of Washington, in the District of Columbia, without the limits of Washington, and Georgetown," except the first and third sections, approved May twenty, eighteen hundred and sixty-two be, and the same is hereby, repealed.

Act of 1862, ch. 77, except, &c., repealed.
Vol. xii. p. 394.

APPROVED, June 25, 1864.

CHAP. CLVII. — *An Act to amend an Act entitled "An Act to define the Powers and Duties of the Levy Court of the County of Washington, District of Columbia."*

June 25, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first clause of the third section of the act of congress entitled "An act to define the powers and duties of the levy court of the County of Washington, District of Columbia, in regard to roads and for other purposes," be, and the same is hereby, amended so as to read as follows: "That the said court shall have the care and charge of, and the exclusive jurisdiction over, all the public roads and bridges in said county, except such roads and bridges as belong to and are under the care of the United States, and except such roads and bridges as shall have been or may hereafter be specially provided for by congress. And the said court shall have power and it shall be their duty."

1863, ch. 106.
Vol. xii. p. 799.

Levy court to have care of public roads and bridges, except, &c.

SEC. 2. *And be it further enacted*, That the tenth section of the said act be, and the same is hereby, amended by striking out the words "thirty-first," and inserting the word "thirtieth."

1862, ch. 157,
§ 10, amended.
Vol. xii. p. 803.

SEC. 3. *And be it further enacted*, That all cemeteries in the District of Columbia, outside of the cities of Washington and Georgetown, the owners of which sell lots or burial-rights therein indiscriminately to those applying therefor, shall be assessed and taxed as other property in the same parts of the said district: *Provided, however*, That all lots in said cemeteries, when actually sold for burial purposes, and any cemetery held and owned by a religious society, having a regular and known place of worship, shall be exempt from taxation.

Certain cemeteries to be taxed.

Proviso.

SEC. 4. *And be it further enacted*, That hereafter the said court shall have power, and it shall be their duty, to appoint the county surveyor of said County of Washington, to define his duties, from time to time, to fix his compensation, and to remove him whenever they shall deem it proper so to do.

Levy court to appoint county surveyor.

SEC. 5. *And be it further enacted*, That it shall be the duty of the collector of taxes for said county, whenever the owner or keeper of any dog or dogs shall neglect or refuse to pay the tax thereon, to kill, or cause to be killed, every and all such dogs.

Dogs to be killed if tax not paid.

SEC. 6. *And be it further enacted*, That the time specified by the act of February twenty-one, eighteen hundred and sixty-three, within which certain roads in said county shall be surveyed, platted, and recorded, is

Time of construction of certain roads extended.

1863, ch. 51. hereby extended to three years from the first day of July, eighteen hundred and sixty-five.
 Vol. xii. p. 658.

Court may issue, &c., licenses.
 SEC. 7. *And be it further enacted*, That the said court shall have power to issue, classify, and tax licenses for taverns, hotels, and restaurants, and for retailing goods, wares, and merchandise in said county, in proportion to the amount of business the person applying for a license is likely to do. The maximum sum to be charged for any one license not to exceed two hundred and fifty dollars, and the minimum to be so charged not to be less than two dollars.

Maximum charge.
 SEC. 8. *And be it further enacted*, That the notice required to be given by the eighth section of the act of which this is an amendment, need not be given when all the parties interested are agreed; and all roads laid out under such agreement, without such notice being given, are hereby declared lawful highways.

Certain notices need not be given.
 Vol. xii. p. 801.

Repealing clause.
 SEC. 9. *And be it further enacted*, That all laws and parts of laws inconsistent with this act are hereby repealed.

APPROVED, June 25, 1864.

June 25, 1864. CHAP. CLVIII. — *An Act to authorize the Bailiff of the Orphans' Court, in the County of Washington and District of Columbia, to serve Processes issued by said Court, and for other Purposes.*

Bailiff of Orphans' court may serve process.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bailiff of the Orphans' court, in the County of Washington, and District of Columbia, or such person as may be deputed by the register of wills in said county, shall have authority to serve all processes issued by said court, and shall be entitled to a fee of fifty cents for serving citations, and a fee of one dollar for serving attachments and making returns of the same to the court. And there shall be paid to the register of wills for said county, for recording wills and other instruments, fifteen cents per folio of one hundred words.

Fees for recording wills, &c.
 APPROVED, June 25, 1864.

June 25, 1864. CHAP. CLIX. — *An Act amendatory of an Act to amend an Act entitled "An Act to promote the Progress of the Useful Arts," approved March three, eighteen hundred and sixty-three.*
 1863, ch. 102.
 Vol. xii. p. 796.

Final fees for patents not paid may be paid within six months.
 Proviso.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person having an interest in an invention, whether as the inventor or assignee, for which a patent was ordered to issue upon the payment of the final fee as provided in section three of an act approved March three, eighteen hundred and sixty-three, but who has failed to make payment of the final fee as provided by said act, shall have the right to make the payment of such fee, and receive the patent withheld on account of the non-payment of said fee, provided such payment be made within six months from the date of the passage of this act: *Provided*, That nothing herein shall be so construed as to hold responsible in damages any persons who have manufactured or used any article or thing for which a patent, as aforesaid, was ordered to be issued.

APPROVED, June 25, 1864.

June 25, 1864. CHAP. CLX. — *An Act to grant to the State of California certain Lands for State Prison Purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of the United States to the lands comprising that portion of the promontory or point known

as "Punta de Quintin," or "Point San Quintin," lying east of the north and south line, dividing sections number three and ten from number two and eleven in township number one north range number six west, of Mount Diablo meridian, embracing portions numbers eleven, twelve, thirteen, and fourteen of the said township number one, north range number six west, upon which the State prison of the State of California is now located, not exceeding in quantity four hundred and fifty acres, be, and the same is hereby, ceded, granted, and confirmed to the said State of California, without prejudice to the rights or claims of any other parties.

Lands granted to California for state prison purposes.

APPROVED, June 25, 1864.

CHAP. CLXII. — *An Act to carry into Effect a Treaty between the United States and her Britannic Majesty for the final Settlement of the Claims of the Hudson's Bay and Puget's Sound Agricultural Companies.*

June 27, 1864.

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, by and with the advice and consent of the Senate, shall appoint a commissioner, whose duty it shall be, conjointly with the commissioner appointed by her Britannic Majesty's government, to investigate, adjust, and determine the claims of the Hudson's Bay Company and of the Puget's Sound Agricultural Company against the government of the United States, pursuant to the terms of a treaty signed at Washington on the first day of July, eighteen hundred and sixty-three; and the commissioner shall be authorized to appoint a clerk, with a compensation at the rate of eight dollars a day.

Commissioner to investigate claims of Hudson's Bay. &c., Company,

Post, p. 651.

Clerk.

SEC. 2. *And be it further enacted,* That the compensation of the commissioner shall be five thousand dollars in full for his services and personal expenses. And the sums necessary to pay the compensation aforesaid, the share of contingent expenses of the commission on the part of the United States, and of the compensation of the umpire, chosen under the convention, are hereby appropriated out of any money in the treasury not otherwise appropriated.

Pay of commissioner and umpire.

Contingent expenses.

SEC. 3. *And be it further enacted,* That the commissioner on the part of the United States, in conjunction with the commissioner on the part of Great Britain, is hereby authorized to make all needful rules and regulations for conducting the business of the commission; such rules and regulations not contravening the Constitution of the United States, the provisions of this act, or the stipulations of the treaty.

Rules, &c., for doing the business of the commission.

SEC. 4. *And be it further enacted,* That the Secretary of State is hereby authorized and required to transmit to the said commission such papers or records relating to the business of the commission as he may deem proper, or as may be called for by the commissioner; and at the close of the commission, and of the duties of the umpire, all the records, documents, and all other papers which may have been presented on behalf of the United States, shall be returned to the Department of State.

Secretary of State to transmit papers.

APPROVED, June 27, 1864.

CHAP. CLXIII. — *An Act in Relation to the Fees and Emoluments of the Marshal, Attorney, and Clerk of the Supreme Court of the District of Columbia, and for other Purposes.*

June 27, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fees of the clerk of the supreme court of the District of Columbia, except so far as hereinafter specifically provided, and of the United States attorney and the marshal of said district, except so far as hereinafter provided, shall be the same as the fees respectively allowed to clerks of the district and circuit courts, attorneys, solicitors, and proctors, and marshals, by the act

Fees of clerk of supreme court, D. C., and of attorney and marshal.

- 1853, ch. 80.
Vol. x. p. 161.
- Limit to pay of clerk.
- Returns of clerk.
- Maximum compensation of attorneys and marshals.
- Proviso.
- 1863, ch. 76, §§ 11, 12.
Vol. xii. p. 741.
- Plaintiff to deposit fees with clerk.
- Poor persons need not make deposit.
- Fees of clerk and marshal.
- In United States cases.
- Marriage license and certificate.
- Warrants, writs, &c.
- Certain existing laws not affected hereby.
1864, ch. 85.
Ante, p. 74.
- 1864, ch. 16.
Ante, p. 12.
- approved February twenty-six, eighteen hundred and fifty-three, entitled, "An Act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes:" *Provided*, That the clerk of said supreme court shall not be allowed by the Secretary of the Interior to retain of the fees and emoluments of his said office, for his own personal compensation, over and above his necessary office expenses, the necessary clerk-hire included; to be audited and allowed by the accounting officers of the treasury, subject to an appeal to the Secretary of the Interior, more than the sum of four thousand dollars per annum; and in making out his semi-annual returns, required by the third section of said act, said clerk shall embrace his fees and emoluments of every name and character for any service required of him by law.
- SEC. 2. *And be it further enacted*, That no marshal nor district attorney of the United States shall, by reason of the discharge of the duties of his office, now or hereafter required of him by law, or in any case in which the United States will be bound by the judgment which may be rendered in the same, be allowed to retain out of the fees, charges, and emoluments therefor, whether prescribed by statute or allowed by a court or any judge thereof, a greater maximum compensation than that fixed by the act aforesaid; but all such fees and emoluments, of every name and character, shall be included in the semi-annual returns required of marshals and attorneys by the third section of the act aforesaid: *Provided*, That nothing in this act contained shall apply to the provisions of sections eleven and twelve of the "Act to prevent and punish frauds upon the revenue, approved March third, eighteen hundred and sixty-three."
- SEC. 3. *And be it further enacted*, That, at the commencement of every suit in the supreme court of the District of Columbia, the plaintiff shall deposit at least eight dollars with the clerk, to be appropriated towards the costs of the suit; and if the plaintiff recover against the defendant a judgment with costs, and said costs do not amount to eight dollars, the overplus shall be paid back to the plaintiff by the clerk: *Provided*, That suits may be prosecuted in said court by poor persons without making the deposit herein prescribed, upon the order of the court, or of one of the justices thereof.
- SEC. 4. *And be it further enacted*, That the following fees, and no other, shall be allowed to the clerk of said court, and the marshal of said district, for the services following:—
- For all services rendered by said clerk to the United States, in cases in which the said United States is a party of record, five dollars.
- For each marriage license issued by him, one dollar.
- For each certificate of official character, including the seal, fifty cents.
- For service of any warrant, attachment, summons, capias, or other writ, (except execution, venire, or a summons or subpoena for a witness,) one dollar for each person on whom such service may be made.
- SEC. 5. *And be it further enacted*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of an act, entitled "An act concerning the disposition of convicts in the courts of the United States for subsisting persons confined in jails, charged with violating the laws of the United States, and for diminishing the expenses in relation thereto," approved May twelfth, eighteen hundred and sixty-four, or of "An act to authorize the appointment of a warden of the jail in the District of Columbia," approved February twenty-ninth, eighteen hundred and sixty-four; but the duties of said warden, and of the marshal of the United States for said District, in regard to the said jail and the prisoners committed thereto or confined therein, shall remain the same as if this act had not been passed.

APPROVED, June 27, 1864.

CHAP. CLXIV.—*An Act to prevent Smuggling, and for other Purposes.*

June 27, 1864.

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, all goods, wares, and merchandise, and all baggage and effects of passengers, and all other articles imported into the United States from any contiguous foreign country or countries, except as hereafter provided, as well as the vessels, cars, and other vehicles and envelopes in which the same shall be imported, shall be unladen in the presence of, and be inspected by, an inspector or other officer of the customs, at the first port of entry or custom-house in the United States where the same shall arrive; and to enable the proper officer thoroughly to discharge this duty, he may require the owner or owners, or his, her, or their agent, or other person having charge or possession of any trunk, travelling-bag or sack, valise, or other envelope, or of any closed vessel, car, or other vehicle, to open the same, or to deliver to him the proper key; and if such owner, agent, or other person shall refuse or neglect to comply with his demands, the said officer shall retain such trunk, travelling-bag or sack, valise, or whatsoever it may be, and open the same, and, as soon thereafter as may be practicable, examine the contents; and if any article or articles subject to the payment of duty shall be found therein, the whole contents, together with the envelope, shall be forfeited to the United States, and disposed of as the law provides in other similar cases. And if any such dutiable goods, article or articles, shall be found in such vessel, car, or other vehicle, the owner, agent, or other person in charge of which shall have refused to open the same or deliver the key as herein provided, the same, together with the vessel, car, or other vehicle, shall be forfeited to the United States, and shall be held by such officer, to be disposed of as the law provides in other similar cases of forfeiture.

1864, ch. 239.
Post, p. 381.

Goods, &c., imported, how to be unladen and inspected at first port of arrival.

Trunks, closed vessels, &c., to be opened, &c.;

to be forfeited if dutiable articles are found therein.

SEC. 2. *And be it further enacted,* That to avoid the inspection at the first port of arrival, required by the first section of this act, the owner, agent, master, or conductor of any such vessel, car, or other vehicle, or owner, agent, or other person having charge of any such goods, wares, merchandise, baggage, effects, or other articles, may apply to any officer of the United States duly authorized to act in the premises, to seal or close the same, under and according to the regulations hereinafter authorized, previous to their importation into the United States; which officer shall seal or close the same accordingly; whereupon the same may proceed to their port of destination without further inspection: *Provided,* That nothing contained in this section shall be construed to exempt such vessel, car, or vehicle, or its contents, from such examination as may be necessary and proper to prevent frauds upon the revenue and violations of this act: *And provided, further,* That every such vessel, car, or other vehicle, shall proceed, without unnecessary delay, to the port or place of its destination, as named in the manifest of its cargo, freight, or contents, and be there inspected, as provided in section one.

Proceedings to avoid inspection at first port.

Proviso.

Proviso.

SEC. 3. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby, authorized and required to make such regulations, and from time to time so to change the same as to him shall seem necessary and proper, for sealing such vessels, cars, and other vehicles, when practicable, and for sealing, marking, and identifying such goods, wares, merchandise, baggage, effects, trunks, travelling-bags or sacks, valises, and other envelopes and articles; and also in regard to invoices, manifests, and other pertinent papers, and their authentication.

Regulations for sealing, &c., cars, marking goods, &c.

SEC. 4. *And be it further enacted,* That if the owners, master, or person in charge of any vessel, car, or other vehicle, sealed as aforesaid, shall not proceed to the port or place of destination thereof named in the manifest of its cargo, freight, or contents, and deliver such vessel, car, or vehicle, to the proper officer of the customs, or shall dispose of the same by sale or

Penalty on owners, &c., for not proceeding to place of destination, &c.

otherwise, or shall unload the same, or any part thereof, at any other than such port or place, or shall sell or dispose of the contents of such vessel, car, or other vehicle, or any part thereof, before such delivery, he shall be deemed guilty of felony, and on conviction thereof, before any court of competent jurisdiction, pay a fine not exceeding one thousand dollars, or shall be imprisoned for a term not exceeding five years, or both, at the discretion of the court; and such vessel, car, or other vehicle, with its contents, shall be forfeited to the United States, and may be seized wherever found within the United States, and disposed of and sold as in other cases of forfeiture: *Provided*, That nothing in this section shall be construed to prevent sales of cargo, in whole or in part, prior to arrival, to be delivered as per manifest, and after due inspection.

Proviso.

Penalty for unlawful breaking or opening, &c., seals, fastenings, &c.

SEC. 5. *And be it further enacted*, That if any unauthorized person or persons shall wilfully break, cut, pick, open, or remove any wire, seal, lead, lock, or other fastening or mark attached to any vessel, car, or other vehicle, crate, box, bag, bale, basket, barrel, bundle, cask, trunk, package, or parcel, or anything whatsoever, under and by virtue of this act and regulations authorized by it, or any other act of congress, or shall affix or attach, or in any way wilfully aid, assist, or encourage the affixing or attaching, by wire or otherwise, to any vessel, car, or other vehicle, or to any crate, box, bale, barrel, bag, basket, bundle, cask, package, parcel, article, or thing of any kind, any seal, lead, metal, or anything purporting to be a seal authorized by law, such person or persons shall be deemed guilty of felony, and, upon conviction before any court of competent jurisdiction, shall be imprisoned for a term not exceeding five years, or shall pay a fine of not exceeding one thousand dollars, or both, at the discretion of the court. And each vessel, car, or other vehicle, crate, box, bag, basket, barrel, bundle, cask, trunk, package, parcel, or other thing, with the cargo, or contents thereof, from which the wire, seal, lead, lock, or other fastening or mark shall have been broken, cut, picked, opened, or removed by any such unauthorized person or persons, or to which such seal or other thing purporting to be a seal, has been wrongfully attached as aforesaid, shall be forfeited to the United States.

Penalty under act 1862, ch. 169, § 1, and how applied.
Vol. xii. p. 571.

SEC. 6. *And be it further enacted*, That from and after the passage of this act the penalty for violating any of the provisions of the first section of the act entitled "An act to further provide for the collection of the revenue upon the northern, northeastern, and northwestern frontier, and for other purposes," approved July fourteen, one thousand eight hundred and sixty-two, shall be a fine of one hundred dollars, and the same shall be disposed of and applied as herein provided for the distribution of fines and penalties recovered by virtue of this act; and so much of the said first section as conflicts herewith is hereby repealed.

Additional inspectors.

SEC. 7. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to appoint whenever he shall think it necessary, additional inspectors of the revenue for the districts named below, as follows, to wit: Passamaquoddy, Maine, four; Portland and Falmouth, Maine, eight; Boston and Charlestown, Massachusetts, fourteen; Pembina, Minnesota, two; Chicago, Illinois, eight; Michilimackinac, Michigan, two; Sandusky, Ohio, one; Cuyahoga, Ohio, three; Erie, Pennsylvania, one; Dunkirk, New York, one; Buffalo Creek, New York, six; Niagara, two; Genesee, two; Oswego, five; Oswegatchie, two; Champlain, four; Vermont, two.

Secretary may remit certain fines, &c.

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury shall have authority to remit in whole or in part, and upon such terms as he shall judge right, the fines, penalties, or forfeitures incurred or accruing under the provisions of this act, or of said act approved July fourteen, eighteen hundred and sixty-two, if, in his opinion, the same shall have been incurred without wilful negligence or any intention of fraud in the person or persons incurring the same; and he shall have authority to

ascertain the facts upon applications for remission under this act in such manner and under such regulations as shall be by him prescribed, and all fines, penalties, and forfeitures, recovered by virtue of this act, shall, after deducting all proper costs and charges, be disposed of and applied as provided in the ninety-first section of the act entitled "An act to regulate the collection of duties on imports and tonnage," approved on the second of March, in the year one thousand seven hundred and ninety-nine.

APPROVED, June 27, 1864.

Facts, how may be ascertained.

Fines, &c., how disposed of.

1799, ch. 22.
Vol. i. p. 697.

CHAP. CLXV. — *An Act in Relation to the Circuit Court in and for the District of Wisconsin, and for other Purposes.*

June 27, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to enable the district courts of the United States to issue execution and other final process in certain cases," approved March three, eighteen hundred and sixty-three, be, and the same is hereby, repealed.

Repeal of act 1863, ch. 113.
Vol. xii. p. 807.

SEC. 2. *And be it further enacted,* That in all cases, wherein the district courts of the United States within and for the several districts of Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas had rendered judgments or decrees prior to the passage of an act approved July fifteenth, eighteen hundred and sixty-two, creating circuit courts for said districts, which cases might have been brought, and could have been originally cognizable in a circuit court, the original papers and all other papers now on file in the district courts aforesaid, shall be transferred into the clerk's office of the circuit court for the district in which said causes were heard and determined. And it shall be the duty of the district-court clerks of said districts, respectively, to have said papers so removed. And it shall also be the duty of said district-court clerks to transfer to the offices of the circuit-court clerks aforesaid the books of records and journals of the district courts aforesaid, in which are any entries, orders, or proceedings affecting, or in any manner relating to, cases which were of circuit-court cognizance, or which might have been presented in a circuit court, after having first copied into a book for that purpose provided, all entries, orders, or other proceedings, which may be found in said books, journals, or records relating in any manner to cases which were not of circuit-court cognizance, and which could not have been prosecuted in a circuit court.

Papers in cases in certain district courts to be transferred to circuit courts.

1862, ch. 178.
Vol. xii. p. 576.

Proviso.

SEC. 3. *And be it further enacted,* That for the necessary costs and expenses of this transfer of books and papers, and for the expense of procuring books to copy the entries and orders above mentioned, and for the copying of said record entries from the original book into the new one, at the same rate of compensation now allowed to clerks of courts for copies from their records, the clerks of the district courts shall be paid, out of any money in the treasury of the United States not otherwise appropriated, upon the certificate of the judge of the district court.

Cost of transfer and fees.

SEC. 4. *And be it further enacted,* That the transcripts thus made into a new book, after said book shall have been certified by the clerk to be full and true copies from the original book, shall have the same force and effect as records as the originals; and that the clerks of the circuit courts aforesaid shall be the custodians of the books and papers transferred to their offices, and their certificate of a transcript of any of said books or papers shall be received in evidence with the like effect as if made by the clerk of the court in which the proceedings were had.

Transcripts certified to, to have same effect as originals.

Clerks to have custody of papers.

SEC. 5. *And be it further enacted,* That the terms of the circuit and district courts of the United States for said district of Wisconsin shall hereafter be held as follows: at the city of Milwaukee, in said district, on the second Monday of April and the second Monday of September, and at the city of Madison, in said district, on the first Monday of January in each

Terms of circuit and district courts in Wisconsin.

Pending process.

year, respectively. And all writs, process, and proceedings returnable to the terms of either of said courts, as now fixed by law, shall be deemed returnable, and shall be continued to the terms of said courts, respectively, as fixed by this act: *Provided*, That all executions, processes, or orders issued from the district court of any district in this act mentioned, in cases transferred to the circuit court, and in part executed, shall be regarded as having been issued from the circuit court to which each particular case is transferred, and shall be returned thereto. And no writ of execution or other final process, or power exercised, or proceeding had in accordance with law to enforce any judgment or decree shall be affected by reason of the transfer directed by this act.

APPROVED, June 27, 1864.

June 28, 1864. CHAP. CLXVI. — *An Act to repeal the Fugitive Slave Act of eighteen hundred and fifty, and all Acts and Parts of Acts for the Rendition of Fugitive Slaves.*

Repeal of acts for the rendition of fugitive slaves. 1793, ch. 7, §§ 3, 4, Vol. i. p. 302. 1850, ch. 60. Vol. ix. p. 462.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections three and four of an act entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," passed February twelve, seventeen hundred and ninety-three, and an act entitled "An act to amend, and supplementary to, the act entitled 'An act respecting fugitives from justice, and persons escaping from the service of their masters,' passed February twelve, seventeen hundred and ninety-three," passed September, eighteen hundred and fifty, be, and the same are hereby, repealed.

APPROVED, June 28, 1864.

June 28, 1864. CHAP. CLXVII. — *An Act to provide for the Improvement of the Grounds of the Government Hospital for the Insane by an Exchange of Land.*

Exchange of land for government hospital for the insane.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to deed to John Perkins a portion of the extreme south point or angle of the farm of the Government Hospital for the Insane, in exchange for two acres of land, more or less, now owned and occupied by the said Perkins, and situated near the middle of that side of the hospital farm which fronts upon the public roads: *Provided*, That not more than three acres are given for one contained in the last described piece of land belonging to the said Perkins: *And provided, further*, That the said Perkins is able to give, and does give, to the United States a good and sufficient title to the piece of land now owned and occupied by him.

Expenses of moving dwelling-house, &c.

SEC. 2. *And be it further enacted*, That the Secretary of the Interior is further authorized to defray the expenses of moving the dwelling-house on the present Perkins tract to the tract exchanged for it, and of digging and walling a well, out of any appropriation already made, or that may be made, for enclosing the grounds of the hospital.

APPROVED, June 28, 1864.

June 28, 1864. CHAP. CLXVIII. — *An Act to provide for the Repair and Preservation of certain Public Works of the United States.*

Appropriation to preserve certain public works on northern lakes.

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 two hundred and fifty thousand dollars, to be expended under the direction of the Secretary of War, in protecting the commerce of the lakes by causing the public works connected with the harbors on Lakes Champlain, Ontario, Erie, St. Clair, Huron, Michigan, and Superior, to be repaired and made useful for purposes of commerce and navigation, so far as the same, in his judgment, may be necessary.

SEC. 2. *And be it further enacted*, That there be, and hereby is, appropriated, out of any money in the treasury not otherwise appropriated, the further sum of one hundred thousand dollars, to be expended under the direction of the Secretary of War, in repairing and rendering useful for purposes of commerce and navigation such of the public works connected with the harbors on the seaboard of the United States as may, in his judgment, need such expenditure.

Appropriations to preserve certain public works on the seaboard.

APPROVED, June 28, 1864.

CHAP. CLXIX. — *An Act to incorporate the Colored Catholic Benevolent Society.*

June 28, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Basil Mullen, John Warren, William H. Wheeler, Charles Dyson, James M. Ferrell, David Adkins, William Queen, John H. Butler, William Ford, and their associates and successors, be, and they are hereby, constituted and declared to be a body politic and corporate, by the name and title of the Colored Catholic Male Benevolent Society, located in the city of Washington, and by its corporate name shall have perpetual succession, with power to sue and be sued, to implead and be impleaded, in any court of the United States, or of the District of Columbia, of competent jurisdiction, to receive subscriptions, gifts, and benefits, and to make such rules and by-laws as shall be necessary and expedient for the government of the society, and to alter the same from time to time in such mode as shall be prescribed therein: *Provided, always*, That such rules and by-laws shall be in no wise inconsistent with the constitution or laws of the United States, or with the objects of the society. The objects of the society are hereby declared to be to provide for the care and comfort of such members as shall be sick, disabled, or dependent, and of the families of such members, in cases where the officers of such society shall deem it expedient, and also to provide for the decent interment of such persons as may die in membership of such society, or belonging to the families of such members.

Colored Catholic Male Benevolent Society incorporated.

Objects, powers, and duties.

SEC. 2. *And be it further enacted*, That said society shall have power to hold real estate, or personal and mixed estate, by purchase, gift, or devise, for the purposes of such society and no other, and to lease, sell, or convey such real estate or mixed estate, or personal property, as may be devised or donated to such society, and the leasing or sale of which will promote the interests of said society.

May hold, &c., real and personal estate.

SEC. 3. *And be it further enacted*, That congress shall have the right, at any time, to modify, amend, or repeal this act.

Act may be altered or repealed.

APPROVED, June 28, 1864.

CHAP. CLXX. — *An Act repealing certain Provisions of Law concerning Seamen on board public and private Vessels of the United States.*

June 28, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of an act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," approved the third of March, one thousand eight hundred and thirteen, as makes it not lawful to employ on board any of the public or private vessels of the United States any person or persons except citizens of the United States or person[s] of color, natives of the United States; and so much of the third, fifth, sixth, and seventh sections of "An act concerning the navigation of the United States," approved the first of March, one thousand eight hundred and seventeen, as concerns the crews of vessels therein named; and so much of the first section of an act entitled "An act to repeal the tonnage duties upon ships and vessels of the United States and upon certain foreign vessels," approved the thirty-first of May, one thousand eight

Certain laws respecting seamen on board U. S. vessels, repealed.

1813, ch. 42. Vol. ii. p. 809.

1817, ch. 31, §§ 3, 5, 6, 7. Vol. iii. p. 351.

1830, ch. 219, § 1. Vol. iv. p. 425.

Officers of
United States
vessels to be
citizens.

hundred and thirty, as makes discrimination in favor of vessels certain proportions of whose crews shall be citizens of the United States, shall be, and the same are hereby, repealed: *Provided, however,* That officers of vessels of the United States shall in all cases be citizens of the United States.

APPROVED, June 28, 1864.

June 30, 1864.

CHAP. CLXXI. — *An Act to increase Duties on Imports, and for other Purposes.*

Duties on im-
ports in lieu of
former duties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the first day of July, Anno Domini eighteen hundred and sixty-four, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid, on goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty, that is to say:—

Teas.

First. On teas of all kinds, twenty-five cents per pound.

Sugar.

Second. On all sugar not above number twelve, Dutch standard in color, three cents per pound.

On all sugar above number twelve, and not above number fifteen, Dutch standard in color, three cents and a half per pound.

On all sugar above number fifteen, not stove-dried, and not above number twenty, Dutch standard in color, four cents per pound.

Standard of
sugars.

On all refined sugar in form of loaf, lump, crushed, powdered, pulverized, or granulated, and all stove-dried or other sugar above number twenty, Dutch standard in color, five cents per pound: *Provided,* That the standard by which the color and grades of sugar are to be regulated shall be selected and furnished to the collectors of such ports of entry as may be necessary by the Secretary of the Treasury, from time to time, and in such manner as he may deem expedient.

Sugar-candy
and confec-
tionery.

On sugar-candy, not colored, ten cents per pound. On all other confectionery, not otherwise provided for, made wholly or in part of sugar, and on sugars after being refined, when tintured, colored, or in any way adulterated, valued at thirty cents per pound or less, fifteen cents per pound. On all confectionery valued above thirty cents per pound, or when sold by the box, package, or otherwise than by the pound, fifty per centum ad valorem.

Molasses and
sirups.

Third. On molasses from sugar-cane, eight cents per gallon. On sirup of sugar-cane juice, melado, concentrated melado, or concentrated molasses, two cents and a half per pound: *Provided,* That all sirups of sugar or sugar-cane, cane juice, concentrated molasses, or concentrated melado, entered under the name of molasses, or any other name than sirup of sugar, or of sugar-cane, cane juice, concentrated molasses, or concentrated melado, shall be liable to forfeiture to the United States, and the same shall be forfeited.

SEC. 2. *And be it further enacted,* That on and after the day and year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid, on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rates of duty, that is to say:—

Brandy.

Post, p. 492.

Spirits.

First. On brandy, for first proof, two dollars and fifty cents per gallon.

On other spirits, manufactured or distilled from grain or other materials, for first proof, two dollars per gallon.

Cordials and
liqueurs.

On cordials, and liqueurs of all kinds, and arrack, absynthe, kirschenwasser, ratafia, and other similar spirituous beverages, not otherwise provided for, two dollars per gallon.

Bay rum.

On bay rum, one dollar and fifty cents per gallon.

Wines.

On wines of all kinds, valued at not over fifty cents per gallon, twenty

cents per gallon and twenty-five per centum ad valorem; valued at over fifty cents and not over one dollar per gallon, fifty cents per gallon and twenty-five per centum ad valorem; valued at over one dollar per gallon, one dollar per gallon and twenty-five per cent. ad valorem: *Provided*, That no champagne or sparkling wines, in bottles, shall pay a less rate of duty than six dollars per dozen bottles, each bottle containing not more than one quart and more than one pint, or six dollars per two dozen bottles, each bottle containing not more than one pint.

Wines.

Proviso.

On all spirituous liquors, not otherwise enumerated, one hundred per centum ad valorem: *Provided*, That no lower rate or amount of duty shall be levied, collected, and paid, on brandy, spirits, and other spirituous beverages, than that 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; and no brandy, spirits, or other spirituous beverages under first proof shall pay a less rate of duty than fifty per centum ad valorem: *Provided, further*, That all imitations of brandy, or spirits, or of wines imported by any names whatever, shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than one dollar per gallon: *And provided, further*, That brandies, or other spirituous liquors, may be imported in bottles when the package shall contain not less than one dozen; and all bottles shall pay a separate duty of two cents each, whether containing wines, brandies, or other spirituous liquors subject to duty as hereinbefore mentioned.

Spirituous liquors not otherwise enumerated.

Post, p. 492.

Lowest duty to be on first proof, &c.

Proviso.

Proviso.

Second. On ale, porter, and beer, in bottles, thirty-five cents per gallon; otherwise than in bottles, twenty cents per gallon.

Ale, porter, and beer.

Cigars.

Third. On cigars of all kinds, valued at fifteen dollars or less per thousand, seventy-five cents per pound and twenty per centum ad valorem; valued at over fifteen dollars and not over thirty dollars per thousand, one dollar and twenty-five cents per pound and thirty per centum ad valorem; valued at over thirty dollars and not over forty-five dollars per thousand, two dollars per pound and fifty per centum ad valorem; valued at over forty-five dollars per thousand, three dollars per pound and sixty per centum ad valorem: *Provided*, That paper cigars or cigarettes, including wrappers, shall be subject to the same duties imposed on cigars.

Proviso.

On snuff and snuff-flour, manufactured of tobacco, ground, dry, or damp, and pickled, scented, or otherwise, of all descriptions, fifty cents per pound.

Snuff, &c.

On tobacco in leaf, unmanufactured and not stemmed, thirty-five cents per pound.

Tobacco.

On tobacco manufactured, of all descriptions, and stemmed tobacco not otherwise provided for, fifty cents per pound.

Post, p. 493.

SEC. 3. *And be it further enacted*, That on and after the day and year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, 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:—

On bar iron, rolled or hammered, comprising flats not less than one inch or more than six inches wide, nor less than three eighths of an inch or more than two inches thick; rounds not less than three fourths of an inch nor more than two inches in diameter; and squares not less than three fourths of an inch nor more than two inches square, one cent per pound. On bar iron, rolled or hammered, comprising flats less than three eighths of an inch or more than two inches thick or less than one inch or more than six inches wide; rounds less than three fourths of an inch or more than two inches in diameter; and squares less than three fourths of an inch or more than two inches square, one cent and one half per pound: *Provided*, That all iron in slabs, blooms, loops, or other forms, less finished than iron in bars, and more advanced than pig iron, except castings, shall be rated as iron in bars, and pay a duty accordingly: *And provided, fur-*

Bar-iron, &c.

Proviso.

ther, That none of the above iron shall pay a less rate of duty than thirty-five per centum ad valorem.

Railroad-iron,
&c. *Post*, p. 493.

On all iron imported in bars for railroads and inclined planes, made to patterns and fitted to be laid down on such roads or planes without further manufacture, sixty cents per one hundred pounds. On boiler or other plate iron not less than three sixteenths of an inch in thickness, one cent and a half per pound. On iron wire, bright, coppered, or tinned, drawn and finished, not more than one fourth of an inch in diameter, not less than number sixteen, wire gauge, two dollars per one hundred pounds, and in addition thereto fifteen per centum ad valorem; over number sixteen and not over number twenty-five, wire gauge, three dollars and fifty cents per one hundred pounds, and in addition thereto fifteen per centum ad valorem: *Provided*, That wire covered with cotton, silk, or other material shall pay five cents per pound in addition to the foregoing rates. On smooth or polished sheet-iron, by whatever name designated, three cents per pound. On sheet-iron, common or black, not thinner than number twenty, wire gauge, one cent and one fourth of one cent per pound; thinner than number twenty, and not thinner than number twenty-five, wire gauge, one cent and a half per pound; thinner than number twenty-five, wire gauge, one cent and three fourths of one cent per pound.

Wire.

Sheet-iron.

Tin plates.

On tin plates, and iron galvanized or coated with any metal by electric batteries, or otherwise, two cents and a half per pound.

Band, &c.,
iron.

On all band, hoop, and scroll iron from one half to six inches in width, not thinner than one eighth of an inch, one and one fourth cent per pound.

On all band, hoop, and scroll iron from one half to six inches wide, under one eighth of an inch in thickness, and not thinner than number twenty, wire gauge, one and one half cent per pound.

On all band, hoop, and scroll iron thinner than number twenty, wire gauge, one and three fourths cent per pound.

Slit rods.

On slit rods one cent and one half per pound, and on all other descriptions of rolled or hammered iron not otherwise provided for, one cent and one fourth per pound.

Locomotive
tire.

On locomotive tire, or parts thereof, three cents per pound.

Wrought iron.

On mill-irons and mill-cranks of wrought iron, and wrought iron for ships, steam-engines, and locomotives, or parts thereof, weighing each twenty-five pounds or more, two cents per pound.

Anvils and
cables.

On anvils and on iron cables, or cable chains, or parts thereof, two cents and a half per pound.

Chains, &c.

On chains, trace chains, halter-chains, and fence-chains, made of wire or rods, not less than one fourth of one inch in diameter, two cents and a half per pound; less than one fourth of one inch in diameter, and not under number nine, wire gauge, three cents per pound; under number nine, wire gauge, thirty-five per centum ad valorem.

Anchors.

On anchors, or parts thereof, two cents and one fourth per pound.

Hammers, &c.

On blacksmiths' hammers and sledges, axles, or parts thereof, and malleable iron in castings, not otherwise provided for, two cents and a half per pound.

Railroad
chairs.

On wrought-iron railroad chairs, and wrought-iron nuts and washers, ready punched, two cents per pound.

Screws, &c.

On bed-screws and wrought-iron hinges, two cents and a half per pound.

Nails, spikes,
tacks, &c.

On wrought board-nails, spikes, rivets, and bolts, two and one half cents per pound.

On cut nails and spikes, one and a half cent per pound.

On horseshoe nails, five cents per pound.

On cut tacks, brads, or sprigs, not exceeding sixteen ounces to the thousand, two and one half cents per thousand; exceeding sixteen ounces to the thousand, three cents per pound.

Steam and gas
tubes. *Post*, p. 493.

On steam, gas, and water *tubs* [tubes] and flues, of wrought iron, two cents and a half per pound.

On screws, commonly called wood screws, two inches or over in length, eight cents per pound; less than two inches in length, eleven cents per pound.	Wood screws.
On screws of any other metal than iron, and all other screws of iron, except wood screws, thirty-five per centum ad valorem.	
On iron in pigs, nine dollars per ton.	Pig-iron.
On vessels of cast-iron, not otherwise provided for, and on andirons, sad-irons, tailors' and hatters' irons, stoves and stove-plates, of cast iron, one and one half cent per pound.	Vessels of cast-iron.
On cast-iron steam, gas, and water-pipe, one and one half cent per pound.	Steam, &c., pipe.
On cast-iron butts and hinges, two and a half cents per pound.	
On hollow ware, glazed or tinned, three and one half cents per pound.	Hollow ware.
On all other castings of iron, not otherwise provided for, thirty per centum ad valorem.	
On all manufactures of iron, not otherwise provided for, thirty-five per centum ad valorem.	Other manufactures of iron.
On old scrap-iron, eight dollars per ton: <i>Provided</i> , That nothing shall be deemed old iron that has not been in actual use and fit only to be remanufactured.	Scrap-iron. What to be deemed old iron.
On steel, in ingots, bars, coils, sheets, and steel wire, not less than one fourth of one inch in diameter, valued at seven cents per pound or less, two cents and one fourth per pound; valued at above seven cents and not above eleven cents per pound, three cents per pound; valued at above eleven cents per pound, three cents and a half per pound, and ten per centum ad valorem.	Steel.
On steel wire less than one fourth of an inch in diameter and not less than number sixteen, wire gauge, two and one half cents per pound, and in addition thereto twenty per centum ad valorem; less or finer than number sixteen, wire gauge, three cents per pound, and in addition thereto twenty per centum ad valorem.	Steel-wire.
On steel in any form, not otherwise provided for, thirty per centum ad valorem.	
On skates costing twenty cents or less per pair, eight cents per pair; costing over twenty cents per pair, thirty-five per centum ad valorem.	Skates.
On cross-cut saws, ten cents per lineal foot.	Saws.
On mill, pit, and drag saws, not over nine inches wide, twelve and a half cents per lineal foot.	
On all hand-saws not over twenty-four inches in length, seventy-five cents per dozen, and in addition thereto thirty per centum ad valorem; over twenty-four inches in length, one dollar per dozen, and in addition thereto thirty per centum ad valorem.	
On all back-saws not over ten inches in length, seventy-five cents per dozen, and in addition thereto thirty per centum ad valorem; over ten inches in length, one dollar per dozen, and in addition thereto thirty per centum ad valorem.	
On files, file blanks, rasps, and floats of all descriptions, not exceeding ten inches in length, ten cents per pound, and in addition thereto thirty per centum ad valorem; exceeding ten inches in length, six cents per pound, and in addition thereto thirty per centum ad valorem.	Files, &c.
On pen-knives, jack-knives, and pocket-knives of all kinds, fifty per centum ad valorem.	Knives.
On needles for knitting or sewing-machines, one dollar per thousand, and in addition thereto thirty-five per centum ad valorem.	Needles.
On iron squares marked on one side, three cents per pound, and in addition thereto thirty per centum ad valorem; on all other squares of iron or steel, six cents per pound, and thirty per centum ad valorem.	Squares.
On all manufactures of steel, or of which steel shall be a component part, not otherwise provided for, forty-five per centum ad valorem: <i>Provided</i> , That all articles of steel partially manufactured, or of which steel	Manufactures of steel.

shall be a component part, not otherwise provided for, shall pay the same rate of duty as if wholly manufactured.

- Bituminous coal. On bituminous coal, and shale, one dollar and twenty-five cents for a ton of twenty-eight bushels, eighty pounds to the bushel; on all other coal, forty cents per ton of twenty-eight bushels, eighty pounds to the bushel.
- Coke, &c. On coke and culm of coal, twenty-five per centum ad valorem.
- Lead. On lead, in pigs and bars, two cents per pound.
On old scrap-lead, fit only to be remanufactured, one cent and one half per pound.
On lead in sheets, pipes, or shot, two and three quarter cents per pound.
- Pewter. On pewter, when old and fit only to be remanufactured, two cents per pound.
- Lead ore. On lead ore, one and a half cents per pound.
- Copper. On copper in pigs, bars, or ingots, two and a half cents per pound.
On sheathing-copper, in sheets forty-eight inches long and fourteen inches wide, weighing from fourteen to thirty-four ounces per square foot, three and a half cents per pound.
On copper rods, bolts, nails, spikes, copper bottoms, copper in sheets or plates, called braziers' copper, and other sheets of copper not otherwise provided for, thirty-five per centum ad valorem.
- Zinc, &c. On zinc, spelter, or teutenegue, manufactured in blocks or pigs, one and a half cent per pound.
On zinc, spelter, or teutenegue in sheets, two and one quarter cents per pound.
- Diamonds, &c. On diamonds, cameos, mosaics, gems, pearls, rubies, and other precious stones, when not set, a duty of ten per centum ad valorem.
- Wool, &c. SEC. 4. *And be it further enacted*, That on 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 all wool, unmanufactured, and all hair of the alpaca, goat, and other like animals, unmanufactured, the value whereof at the last port or place from whence exported to the United States, exclusive of charges in such ports, shall be twelve cents or less per pound, three cents per pound; exceeding twelve cents and not exceeding twenty-four cents per pound, six cents per pound; exceeding twenty-four cents per pound, and not exceeding thirty-two cents, ten cents per pound, and in addition thereto ten per centum ad valorem; exceeding thirty-two cents per pound, twelve cents per pound, and in addition thereto ten per centum ad valorem: *Provided*, That any wool of the sheep, or hair of the alpaca, the goat, and other like animals which shall be imported in any other than the ordinary condition, as now and heretofore practised, or which shall be changed in its character or condition for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt or any foreign substance, shall be subject to pay a duty of twelve cents per pound and ten per centum ad valorem, anything in this act to the contrary notwithstanding: *Provided, further*, That when wool of different qualities is imported in the same bale, bag, or package, and the aggregate value of the contents of the bale, bag, or package shall be appraised by the appraisers at a rate exceeding twenty-four cents per pound, it shall be charged with a duty of ten cents per pound and ten per centum ad valorem; and when bales of different qualities are embraced in the same invoice at the same price, whereby the average price shall be lessened more than ten per centum, the value of the whole shall be appraised according to the value of the bale of the best quality; and no bale, bag, or package shall be liable to a less rate of duty in consequence of being invoiced with wool of lower value: *And provided, further*, That wool which shall be imported scoured, shall pay, in lieu of the duties herein provided, three times the amount of such duties.
- Proviso. Second. On sheepskins, raw or unmanufactured, imported with the wool on, washed or unwashed, shall be subject to a duty of twenty per centum ad valorem; and on flocks, waste, or shoddy, three cents per pound.
- Proviso. Second. On sheepskins, raw or unmanufactured, imported with the wool on, washed or unwashed, shall be subject to a duty of twenty per centum ad valorem; and on flocks, waste, or shoddy, three cents per pound.
- Sheepskins. Second. On sheepskins, raw or unmanufactured, imported with the wool on, washed or unwashed, shall be subject to a duty of twenty per centum ad valorem; and on flocks, waste, or shoddy, three cents per pound.

SEC. 5. *And be it further enacted*, That on 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 :—

First. On Wilton, Saxony, and Aubusson, Axminster, patent velvet, Tournay velvet, and tapestry velvet carpets and carpeting, Brussels carpets wrought by the Jacquard machine, and all medallion or whole carpets, valued at one dollar and twenty-five cents or under per square yard, seventy cents per square yard; valued at over one dollar and twenty-five cents per square yard, eighty cents per square yard: *Provided*, That no carpeting, carpets, or rugs of the foregoing description shall pay a duty of less than fifty per centum ad valorem. On Brussels and tapestry Brussels carpets and carpetings, printed on the warp or otherwise, fifty cents per square yard. On all treble ingrain, three-ply, and worsted chain Venetian carpets and carpeting, forty cents per square yard. On yarn Venetian and two-ply ingrain carpets and carpeting, thirty-five cents per square yard. On hemp or jute carpeting, six and a half cents per square yard. On druggets, bockings, and felt carpets and carpeting, printed, colored, or otherwise, twenty-five cents per square yard. On carpets and carpeting of wool, flax, or cotton, or parts of either, or other material not otherwise specified, forty per centum ad valorem: *Provided*, That mats, rugs, screens, covers, hassocks, bedsides, and other portions of carpets or carpetings, shall be subject to the rate of duty herein imposed on carpets or carpetings of like character or description, and on all other mats, screens, hassocks and rugs, forty-five per centum ad valorem.

Second. On woollen cloths, woollen shawls, and all manufactures of wool of every description, made wholly or in part of wool, not otherwise provided for, twenty-four cents per pound, and in addition thereto forty per centum ad valorem. On goods of like description, when valued at over two dollars per square yard, a duty, in addition to the foregoing rates, of five per centum ad valorem: *Provided*, That goods of like description, composed of worsted, the hair of the alpaca, goat, or other like animals, and weighing over eight ounces to the square yard, shall be subject to pay the same duties and rates of duty herein provided for woollen cloths. On endless belts or felts for paper, and blanketing for printing-machines, twenty cents per pound, and in addition thereto thirty-five per centum ad valorem. On flannels, uncolored, valued at thirty cents or less per square yard, twenty-four cents per pound, and thirty per centum ad valorem; valued at above thirty cents per square yard, and on all flannels, colored, printed, or plaided, not otherwise provided for, and flannels composed in part of cotton, twenty-four cents per pound and thirty-five per centum ad valorem. On flannels composed in part of silk, fifty per centum ad valorem. On hats of wool, twenty-four [cents] per pound, and in addition thereto thirty-five per centum ad valorem. On woollen and worsted yarn, valued at fifty cents and not over one dollar per pound, twenty cents per pound, and in addition thereto twenty-five per centum ad valorem; valued at over one dollar per pound, twenty-four cents per pound, and in addition thereto thirty per centum ad valorem. On woollen and worsted yarn, valued at less than fifty cents per pound, and not exceeding in fineness number fourteen, sixteen cents per pound, and in addition thereto twenty-five per centum ad valorem. On clothing, ready-made, and wearing apparel of every description, composed wholly or in part of wool, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except hosiery, twenty-four cents per pound, and in addition thereto forty per centum ad valorem. On blankets of all kinds, made wholly or in part of wool, valued at not exceeding twenty-eight cents per pound, twelve cents per pound, and in addition thereto twenty per centum ad valorem; valued at above twenty-eight cents and not exceeding forty cents per pound, twenty-four cents per pound and twenty-five per centum ad valorem; valued above forty cents per pound, twenty-four cents per pound and thirty per centum ad valorem.

Carpets and carpeting.

Proviso.

Proviso.

Woollen cloths and manufactures of wool.

Proviso.
Alpaca.

Belts, &c.

Flannels.

Hats.

Yarns.

Ready-made clothing.

Blankets.

On Balmorals, and goods of similar description, or used for like purposes, composed of wool, worsted; or any other material, twenty-four cents per pound, and in addition thereto thirty-five per centum ad valorem.

Women's, &c.,
dress-goods.

On women's and children's dress-goods, composed wholly or in part of wool, worsted, mohair, alpaca, or goats' hair, gray or uncolored, not exceeding in value the sum of thirty cents per square yard, four cents per square yard, and in addition thereto twenty-five per centum ad valorem; exceeding in value thirty cents per square yard, six cents per square yard, and in addition thereto thirty per centum ad valorem.

On all goods of the last-mentioned description, if stained, colored, or printed, not exceeding in value the sum of thirty cents per square yard, four cents per square yard, and thirty per centum ad valorem; exceeding in value thirty cents per square yard, six cents per square yard, and in addition thereto thirty-five per centum ad valorem.

Shirts, drawers
and hosiery.

On shirts, drawers, and hosiery of wool, or of which wool shall be a component material, not otherwise provided for, twenty cents per pound, and in addition thereto thirty per centum ad valorem.

Manufactures
of worsted, &c.

On bunting and on all other manufactures of worsted, mohair, alpaca, or goats' hair, or of which worsted, mohair, alpaca, or goats' hair shall be a component material, not otherwise provided for, fifty per centum ad valorem.

Lastings.

On lastings, mohair cloth, silk, twist, or other manufacture of cloth, woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for shoes, slippers, boots, bootees, gaiters, and buttons, exclusively, not combined with India rubber, ten per centum ad valorem.

Oil-cloths.

On oil-cloths for floors, stamped, painted, or printed, valued at fifty cents or less per square yard, thirty per centum ad valorem; valued at over fifty cents per square yard, and on all other oil-cloth, except silk oil-cloth, forty per centum ad valorem.

SEC. 6. *And be it further enacted,* That on 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:—

First. On cotton, raw or unmanufactured, two cents per pound.

Cotton.

Post, p. 493.

Manufactures
of cotton.

[Amended, *Post*,
pp. 491, 492.]

Second. On all manufactures of cotton, (except jeans, denims, drillings, bed-tickings, gingham, plaids, cottonades, pantaloons, stuff, and goods of like description,) not bleached, colored, stained, painted, or printed, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding in weight five ounces per square yard, five cents per square yard; if bleached, five cents and a half per square yard; if colored, stained, painted, or printed, five cents and a half per square yard, and in addition thereto ten per centum ad valorem. On finer and lighter goods of like description, exceeding one hundred threads and not exceeding two hundred threads to the square inch, counting the warp and filling, unbleached, five cents per square yard; if bleached, five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard, and in addition thereto twenty per centum ad valorem. On goods of like description, exceeding two hundred threads to the square inch, counting the warp and filling, unbleached, five cents per square yard; if bleached, five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard, and in addition thereto twenty per centum ad valorem.

Jeans, drillings,
&c.

Post, p. 492.

Third. On all cotton jeans, denims, drillings, bed-tickings, gingham, plaids, cottonades, pantaloons, stuffs, and goods of like description, or for similar use, if unbleached, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding five ounces to the square yard, six cents per square yard; if bleached, six cents and a half per square yard; if colored, stained, painted, or printed, six cents and a half per square yard, and in addition thereto ten per centum ad valorem. On finer or lighter goods of like description, exceeding one

hundred threads and not exceeding two hundred threads to the square inch, counting the warp and filling, if unbleached, six cents per square yard ; if bleached, six and a half cents per square yard ; if colored, stained, painted, or printed, six and a half cents per square yard, and in addition thereto fifteen per centum ad valorem. On goods of like description exceeding two hundred threads to the square inch, counting the warp and filling, if unbleached, seven cents per square yard ; if bleached, seven and a half cents per square yard ; if colored, stained, painted, or printed, seven and a half cents per square yard, and in addition thereto fifteen per centum ad valorem : *Provided*, That upon all plain woven cotton goods not included in the foregoing schedules, unbleached valued at over sixteen cents per square yard, bleached valued at over twenty cents per square yard, colored valued at over twenty-five cents per square yard, and cotton jeans, denims, and drillings unbleached valued at over twenty cents per square yard, and all other cotton goods of every description, the *the* value of which shall exceed twenty-five cents per square yard, there shall be levied, collected and paid a duty of thirty-five per centum ad valorem : *And provided, further*, That no cotton goods having more than two hundred threads to the square inch, counting the warp and filling, shall be admitted to a less rate of duty than is provided for goods which are of that number of threads.

Jeans, drillings, &c.

Proviso.

Proviso.

Fourth. On spool-thread of cotton, six cents per dozen spools, containing on each spool not exceeding one hundred yards of thread, and in addition thereto thirty per centum ad valorem ; exceeding one hundred yards, for every additional hundred yards of thread on each spool, or fractional part thereof in excess of one hundred yards, six cents per dozen, and thirty per centum ad valorem.

Spool-thread.

Post, p. 492.

On cotton shirts and drawers, woven or made on frames, and on all cotton hosiery, thirty-five per centum ad valorem.

Shirts and drawers.

On cotton velvet, thirty-five per centum ad valorem.

Cotton velvet.

On cotton braids, insertings, lace, trimming, or bobbinet, and all other manufactures of cotton, not otherwise provided for, thirty-five per centum ad valorem.

Braids, &c.

SEC. 7. *And be it further enacted*, That on and after the day and year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid, on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rates of duty, that is to say :—

First. On brown and bleached linens, ducks, canvas, paddings, cotton bottoms, burlaps, diapers, crash, huckabacks, handkerchiefs, lawns, or other manufactures of flax, jute, or hemp, or of which flax, jute, or hemp shall be the component material of chief value, not otherwise provided for, valued at thirty cents or less per square yard, thirty-five per centum ad valorem ; valued at above thirty cents per square yard, forty per centum ad valorem. On flax or linen yarns for carpets, not exceeding number eight Lea, and valued at twenty-four cents or less per pound, thirty per centum ad valorem. On flax or linen yarns valued at above twenty-four cents per pound, thirty-five per centum ad valorem. On flax or linen thread, twine and pack-thread, and all other manufactures of flax, or of which flax shall be the component material of chief value, not otherwise provided for, forty per centum ad valorem.

Linens, duck, &c., and manufactures of flax, &c.

Second. On tarred cables or cordage, three cents per pound. On untarred Manilla cordage, two and a half cents per pound. On all other untarred cordage, three and a half cents per pound. On hemp yarns, five cents per pound. On coir yarn, one and a half cent per pound. On seines, six and a half cents per pound.

Tarred cables or cordage.

Third. On gunny cloth, gunny bags, and cotton bagging, or other manufacture not otherwise provided for, suitable for the uses to which cotton bagging is applied, composed in whole or in part of hemp, jute, flax, or

Gunny cloth, &c.

Gunny cloth,
&c.

other material, valued at ten cents or less per square yard, three cents per pound; over ten cents per square yard, four cents per pound. On sail duck or canvas for sails, thirty per centum ad valorem. On Russia and other sheetings of flax or hemp, brown and white, thirty-five per centum ad valorem. On all other manufactures of hemp, or of which hemp shall be the component material of chief value, not otherwise provided for, thirty per centum ad valorem. On grass cloth, thirty per centum ad valorem. On jute yarns, twenty-five per centum ad valorem. On all other manufactures of jute or Sisal-grass, not otherwise provided for, thirty per centum ad valorem.

SEC. 8. *And be it further enacted*, That on and after the day and year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid, on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rates of duty, that is to say:—

Spun silk, &c.

On spun silk for filling in skeins or cops, twenty-five per centum ad valorem. On silk in the gum not more advanced than singles, tram, and thrown or organzine, thirty-five per centum ad valorem. On floss silks, thirty-five per centum ad valorem. On sewing-silk in the gum or purified, forty per centum ad valorem. On all dress and piece silks, ribbons, and silk velvets, or velvets of which silk is the component material of chief value, sixty per centum ad valorem. On silk vestings, pongees, shawls, scarfs, mantillas, pelerines, handkerchiefs, veils, laces, shirts, drawers, bonnets, hats, caps, turbans, chemisettes, hose, mitts, aprons, stockings, gloves, suspenders, watch-chains, webbing, braids, fringes, galloons, tassels, cords, and trimmings, sixty per centum ad valorem.

Post, p. 493.

On all manufactures of silk, or of which silk is the component material of chief value, not otherwise provided for, fifty per centum ad valorem.

SEC. 9. *And be it further enacted*, That on and after the day and year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rates of duty, that is to say:—

Earthen and
stoneware.

On all brown earthenware and common stoneware, gas retorts, stoneware not ornamented, twenty-five per centum ad valorem.

China, &c.

On china, porcelain, and Parian ware, gilded, ornamented, or decorated in any manner, fifty per centum ad valorem.

On china, porcelain, and Parian ware, plain white, and not decorated in any manner, forty-five per centum ad valorem; on all other earthen, stone, or crockery ware, white, glazed, edged, printed, painted, dipped, or cream-colored, composed of earthy or mineral substances, and not otherwise provided for, forty per centum ad valorem.

Slates, &c.

On slates, slate-pencils, slate chimney-pieces, mantels, slabs for tables, and all other manufactures of slate, forty per centum ad valorem.

Clay, &c.

On unwrought clay, pipe-clay, fire-clay, and kaoline, five dollars per ton.

On fuller's earth, three dollars per ton.

On white chalk and cliff-stone, ten dollars per ton. On red and French chalk, twenty per centum ad valorem. On chalk of all descriptions, not otherwise provided for, twenty-five per centum ad valorem.

On whiting and Paris-white, one cent per pound.

On whiting ground in oil, two cents per pound.

Glass.

On all plain and mould and press glass not cut, engraved, or painted, thirty-five per centum ad valorem.

On all articles of glass, cut, engraved, painted, colored, printed, stained, silvered, or gilded, not including plate-glass silvered, or looking-glass plates, forty per centum ad valorem.

On all unpolished cylinder, crown, and common window-glass, not ex-

ceeding ten by fifteen inches square, one cent and a half per pound; above that and not exceeding sixteen by twenty-four inches square, two cents [per] pound; above that and exceeding twenty-four by thirty inches square, two cents and a half per pound; all above that three cents per pound.

Glass.

On cylinder and crown glass, polished, not exceeding ten by fifteen inches square, two and one half cents per square foot; above that, and not exceeding sixteen by twenty-four inches square, four cents per square foot; above that, and not exceeding twenty-four by thirty inches square, six cents per square foot; above that, and not exceeding twenty-four by sixty inches, twenty cents per square foot; all above that, forty cents per square foot.

On fluted, rolled, or rough plate-glass, not including crown, cylinder, or common window glass, not exceeding ten by fifteen inches square, seventy-five cents per one hundred square feet; above that, and not exceeding sixteen by twenty-four inches square, one cent per square foot; above that and not exceeding twenty-four by thirty inches square, one cent and a half per square foot; all above that, two cents per square foot: *Provided*, That all fluted, rolled, or rough plate-glass, weighing over one hundred pounds per one hundred square feet, shall pay an additional duty on the excess at the same rates herein imposed.

On all cast polished plate-glass, unsilvered, not exceeding ten by fifteen inches square, three cents per square *per* foot; above that and not exceeding sixteen by twenty-four inches square, five cents per square foot; above that and not exceeding twenty-four by thirty inches square, eight cents per square foot; above that and not exceeding twenty-four by sixty inches square, twenty-five cents per square foot; all above that, fifty cents per square foot.

On all cast polished plate-glass, silvered, or looking-glass plates not exceeding ten by fifteen inches square, four cents per square foot; above that and not exceeding sixteen by twenty-four inches square, six cents per square foot; above that and not exceeding twenty-four by thirty inches square, ten cents per square foot; above that and not exceeding twenty-four by sixty inches square, thirty-five cents per square foot; all above that, sixty cents per square foot: *Provided*, That no looking-glass plates or plate-glass, silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed but shall be liable to pay in addition thereto thirty per centum ad valorem upon such frames.

On porcelain and Bohemian glass, glass crystals for watches, paintings on glass or glasses, pebbles for spectacles, and all manufactures of glass, or of which glass shall be a component material, not otherwise provided for, and all glass bottles or jars filled with sweetmeats or preserves, not otherwise provided for, forty per centum ad valorem.

SEC. 10. *And be it further enacted*, That on and after the day and year aforesaid, 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 enumerated and provided for in this section, imported from foreign countries, the following duties and rate of duty, that is to say:—

First. On annatto seed, extract of annatto, nitrate of barytes, carmined indigo, crude tica, extract of safflower, finishing powder, gold size and patent size, cobalt, oxide of cobalt, smalt, zaffre, and terra alba, twenty per centum ad valorem; on nickel, fifteen per centum ad valorem. Annatto seed, &c.

Second. On albumen, asbestos, asphaltum, crocus colcottra, blue or Roman vitriol or sulphate of copper, bone or ivory drop black, murexide, ultramarine, Indian red, and Spanish brown, twenty-five per centum ad valorem. Albumen, &c.

SEC. 11. *And be it further enacted*, That on and after the day and

year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, and collected, and paid, on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rates of duty, that is to say:—

- Acids, &c. On acetic acid, acetous or concentrated vinegar, or pyroligneous acid, exceeding the specific gravity of 1.040, eighty cents per pound; not exceeding the specific gravity of 1.040, known as number eight, twenty-five cents per pound.
- On acetate or pyrolignate of ammonia, seventy cents per pound; of baryta, forty cents per pound; of iron, strontia, and zinc, fifty cents per pound; of lead, twenty cents per pound; of magnesia and soda, fifty cents per pound; of lime, twenty-five per centum ad valorem.
- On analine dyes, one dollar per pound and thirty-five per centum ad valorem.
- On blanc fixe, enamelled white, satin white, lime white, and all combinations of barytes with acids or water, three cents per pound; on carmine lake, dry or liquid, thirty-five per centum ad valorem; on French green, Paris green, mineral green, mineral blue, and Prussian blue, dry or moist, thirty per centum ad valorem.
- Almonds. On almonds, six cents per pound; shelled, ten cents per pound.
- Manufactures of gold or silver. On articles not otherwise provided for, made of gold, silver, German silver, or platina, or of which either of these metals shall be a component part, forty per centum ad valorem.
- Antimony. On antimony, crude, and regulus of antimony, ten per centum ad valorem.
- Opium. On opium, two dollars and fifty cents per pound.
- On opium prepared for smoking, and the extract of opium, one hundred per centum ad valorem.
- Morphine. On morphine and its salts, two dollars and fifty cents per ounce.
- Arrowroot, &c. On arrowroot, thirty per centum ad valorem.
- Drugs, &c. On brimstone, crude, six dollars per ton.
- On brimstone, in rolls, or refined, ten dollars per ton.
- On castor beans or seeds per bushel of fifty pounds, sixty cents.
- On chicory root, four cents per pound; ground, burnt, or prepared, five cents per pound.
- On cassia, twenty cents per pound.
- On cassia buds and ground cassia, twenty-five cents per pound.
- On cinnamon, thirty cents per pound.
- On chloroform, one dollar per pound.
- On collodion and ethers of all kinds, not otherwise provided for, and ethereal preparations or extracts, fluid, one dollar per pound.
- On cologne water and other perfumery, of which alcohol forms the principal ingredient, three dollars per gallon, and fifty per cent. ad valorem.
- On cloves, twenty cents per pound; on clove stems, ten cents per pound.
- Cloves. On fusel oil, or amylic alcohol, two dollars per gallon.
- On Hoffman's anodyne and spirits of nitric ether, fifty cents per pound.
- On bristles, fifteen cents per pound; on hogs' hair, one cent per pound;
- Bristles. on Istle, or Tampico fibre, one cent per pound.
- On brushes of all kinds, forty per centum ad valorem.
- On honey, twenty cents per gallon.
- Lead. On lead, white or red, and litharge, dry or ground in oil, three cents per pound.
- On percussion caps, forty per centum ad valorem.
- Lemons. On lemons, oranges, pine-apples, plantains, cocoa-nuts, and fruits preserved in their own juice, and fruit juice, twenty-five per centum ad valorem.
- On licorice root, two cents per pound; on licorice paste or licorice in rolls, ten cents per pound.

- On nutmegs, fifty cents per pound.
 - On mace, forty cents per pound.
 - On oils, croton, one dollar per pound; olive, in flasks or bottles, and salad, one dollar per gallon; castor, one dollar per gallon; cloves, two dollars per pound; cognac or œnanthic ether, four dollars per ounce.
 - On peanuts, or ground beans, one cent per pound; shelled, one and a half cents per pound.
 - On filberts and walnuts, of all kinds, three cents per pound.
 - On petroleum and coal illuminating oil, crude, ten cents per gallon. On illuminating oil, and naphtha, benzine, and benzole, refined or produced from the distillation of coal, asphaltum, shale, peat, petroleum, or rock-oil, or other bituminous substances used for like purposes, thirty cents per gallon.
 - On pimento, and black, white, and red or cayenne pepper, fifteen cents per pound; on ground pimento and pepper of all kinds, eighteen cents per pound.
 - On spirits of turpentine, thirty cents per gallon.
 - On sulphur, flour of, twenty dollars per ton and fifteen per cent. ad valorem.
 - On tannin, and tannic acid, two dollars per pound; on gallic acid, one dollar and fifty cents per pound.
 - On santonine, five dollars per pound.
 - On salt in sacks, barrels, and other packages, twenty-four cents per one hundred pounds. On salt in bulk, eighteen cents per one hundred pounds.
 - On crude *saltpeter*, [*saltpetre*,] two and one half cents per pound.
 - On strychnine and its salts, one dollar and one half per ounce.
 - On taggar's iron, thirty per centum ad valorem.
 - On vinegar, ten cents per gallon.
 - On watches, gold or silver, twenty-five per centum ad valorem.
 - On wood pencils, filled with lead or other materials, fifty cents per gross, and in addition thereto thirty per centum ad valorem.
 - On ostrich, vulture, cock, and other ornamental feathers, crude or not dressed, colored or manufactured, twenty-five per centum ad valorem; when dressed, colored, or manufactured, fifty per centum ad valorem.
 - On playing-cards, costing not over twenty-five cents per pack, twenty-five cents per pack; costing over twenty-five cents per pack, thirty-five cents per pack.
- SEC. 12. *And be it further enacted*, That on and after the day and year aforesaid there shall be levied, collected, and paid a duty of fifty per centum ad valorem on the importation of the articles hereinafter mentioned and embraced in this section, that is to say: —
- Anchovies and sardines, preserved in oil or otherwise.
 - Artificial and ornamental feathers and flowers, or parts thereof, of whatever material composed, not otherwise provided for, beads and bead ornaments.
 - Billiard-chalk.
 - Ginger, preserved or pickled.
 - Ivory or bone dice, draughts, chess-men, chess-balls, and bagatelle-balls.
 - Jellies of all kinds.
 - On kid or other leather gloves of all descriptions, for men's, women's, or children's wear.
 - On wooden and other toys for children.
- SEC. 13. *And be it further enacted*, That on and after the day and year aforesaid, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, the following duties and rates of duty, that is to say: —
- On books, periodicals, pamphlets, blank books, bound or unbound, and all printed matter, engravings, bound or unbound, illustrated books and papers, and maps and charts, twenty-five per centum ad valorem.

Oils.

Petroleum and illuminating oils.

Post, p. 493.

Pepper.

Salt.

Fifty per cent. ad valorem duty on, &c.

Books, &c.

On cork, bark or wood, unmanufactured, thirty per centum ad valorem.

On corks, and cork bark manufactured, fifty per centum ad valorem.

On hatters' furs, not on the skin, and dressed furs on the skin, twenty per centum ad valorem. Furs on the skin, undressed, ten per cent. ad valorem.

On fire-crackers, one dollar per box of forty packs, not exceeding eighty to each pack, and in the same proportion for any greater number.

On gutta-percha, manufactured, forty per centum ad valorem.

Gunpowder. On gunpowder and all explosive substances used for mining, blasting, artillery, or sporting purposes, when valued at twenty cents or less per pound, a duty of six cents per pound, and in addition thereto twenty per centum ad valorem; valued above twenty cents per pound, a duty of ten cents per pound, and in addition thereto twenty per centum ad valorem.

Marble. On marble, white statuary, brocatella, sienna, and verdantique, in block, rough or squared, one dollar per cubic foot, and in addition thereto twenty-five per centum ad valorem. On veined marble and marble of all other descriptions, not otherwise provided for, in block, rough or squared, fifty cents per cubic foot, and in addition thereto twenty per centum ad valorem.

Mineral waters. On mineral or medicinal waters, or waters from springs impregnated with minerals, for each bottle or jug containing not more than one quart, three cents, and in addition thereto twenty-five per centum ad valorem; containing more than one quart, three cents for each additional quart, or fractional part thereof, and in addition thereto twenty-five per centum ad valorem.

On palm-leaf fans, one cent each.

Pipes, &c. On pipes, clay, common or white, thirty-five per centum ad valorem.

On meerschaum, wood, porcelain, lava, and all other tobacco-smoking pipes and pipe-bowls, not herein otherwise provided for, one dollar and fifty cents per gross, and in addition thereto seventy-five per centum ad valorem.

On pipe-cases, pipe-stems, tips, mouthpieces, and metallic mountings for pipes, and all parts of pipes or pipe fixtures, and all smoker's articles, seventy-five per centum ad valorem.

On pen-tips and pen-holders, or parts thereof, thirty-five per centum ad valorem.

On pens, metallic, ten cents per gross, and in addition thereto twenty-five per centum ad valorem.

Soap. On soap, fancy, perfumed, honey, transparent, and all descriptions of toilet and shaving soap, ten cents per pound, and in addition thereto twenty-five per centum ad valorem.

On all soap not otherwise provided for, one cent per pound, and in addition thereto thirty per centum ad valorem.

On starch, made of potatoes or corn, one cent per pound, and twenty per centum ad valorem.

On starch, made of rice, or any other material, three cents per pound, and twenty per centum ad valorem.

On rice, cleaned, two and a half cents per pound; on uncleaned, two cents per pound.

On paddy, one cent and a half per pound.

SEC. 14. *And be it further enacted*, That on the entry of any vessel, or of any goods, wares, or merchandise, the decision of the collector of customs at the port of importation and entry, as to the rate and amount of duties to be paid on the tonnage of such vessel or on such goods, wares, or merchandise, and the dutiable costs and charges thereon, shall be final and conclusive against all persons interested therein, unless the owner, master, commander, or consignee of such vessel, in the case of duties levied on tonnage, or the owner, importer, consignee, or agent of the merchan-

Decision of collector as to duty to be final, unless written objections are given in ten days.

dise, in the case of duties levied on goods, wares, or merchandise, or the costs and charges thereon, shall, within ten days after the ascertainment and liquidation of the duties by the proper officers of the customs, as well in cases of merchandise entered in bond, as for consumption, give notice in writing to the collector on each entry, if dissatisfied with his decision, setting forth therein, distinctly and specifically, the grounds of his objection thereto, and shall within thirty days after the date of such ascertainment and liquidation, appeal therefrom to the Secretary of the Treasury, whose decision on such appeal shall be final and conclusive; and such vessel, goods, wares, or merchandise, or costs and charges, shall be liable to duty accordingly, any act of congress to the contrary notwithstanding, unless suit shall be brought within ninety days after the decision of the Secretary of the Treasury on such appeal for any duties which shall have been paid before the date of such decision on such vessel, or on such goods, wares, or merchandise, or costs or charges, or within ninety days after the payment of duties paid after the decision of the secretary. And no suit shall be maintained in any court for the recovery of any duties alleged to have been erroneously or illegally exacted, until the decision of the Secretary of the Treasury shall have been first had on such appeal, unless said decision of the secretary shall be delayed more than ninety days from the date of such appeal in case of an entry at any port east of the Rocky Mountains, or more than five months in case of an entry west of those mountains.

Decision of Collector to be final unless appeal is made to Secretary of Treasury within thirty days,

and suit brought within ninety days after decision of Secretary.

Suit not to be maintained unless, &c.

SEC. 15. *And be it further enacted*, That the decision of the respective collectors of customs as to all fees, charges, and exactions of whatever character, other than those mentioned in the next preceding section, claimed by them, or by any of the officers under them, in the performance of their official duty, shall be final and conclusive against all persons interested in such fees, charges, or exactions, unless the like notice that an appeal will be taken from such decision to the Secretary of the Treasury shall be given within ten days from the making of such decision, and unless such appeal shall actually be taken within thirty days from the making of such decision; and the decision of the Secretary of the Treasury shall be final and conclusive upon the matter so appealed, unless suit shall be brought for the recovery of such fees, charges, or exactions, within the period as provided for in the next preceding section in regard to duties. And no suit shall be maintained in any court for the recovery of any such fees, costs, and charges, alleged to have been erroneously or illegally exacted, until the decision of the Secretary of the Treasury shall have been first had on such appeal, unless such decision of the Secretary shall be delayed more than ninety days from the date of such appeal in case of an entry at any port east of the Rocky Mountains, nor more than five months in case of an entry west of those mountains.

Decision of collectors as to other matters to be final, unless, &c.

SEC. 16. *And be it further enacted*, That whenever it shall be shown to the satisfaction of the Secretary of the Treasury that, in any case of unascertained duties, or duties or other moneys paid under protest and appeal, as hereinbefore provided, more money has been paid to the collector, or person acting as such, than the law requires should have been paid, it shall be the duty of the Secretary of the Treasury to draw his warrant upon the treasurer in favor of the person or persons entitled to the overpayment, directing the said treasurer to refund the same out of any money in the treasury not otherwise appropriated.

Secretary of Treasury to refund money paid in excess of duties.

SEC. 17. *And be it further enacted*, That a discriminating duty of ten per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, and merchandise which, on and after the day this act shall take effect, shall be imported in ships or vessels not of the United States: *Provided*, That this discriminating duty shall not apply to goods, wares, and merchandise which shall be imported, on and after the day this act takes effect, in ships or vessels not of the

Discriminating duty of ten per cent. on goods imported in foreign vessels.

Proviso.

United States, entitled, by treaty or any act or acts of congress, to be entered in the ports of the United States on payment of the same duties as shall then be paid on goods, wares, and merchandise imported in ships or vessels of the United States.

Ten per cent. additional on goods grown east of Cape of Good Hope, imported, &c.

Post, p. 493.

Repeal of 1861, ch. 45, § 3. Vol. xii. p. 293. 1862, ch. 163, § 14. Vol. xii. p. 557.

Goods in store and bond subject to what duty.

1846, ch. 84. Vol. ix. p. 54.

Resolution of April 29 to take effect April 30.

Pub. Res. No. 27. *Post*, p. 405.

Certain machinery may be free of duty, &c. *Post*, p. 494.

Repealing clause.

Laws for collection of duties, &c., to be in force.

Duties on goods not provided for by this act.

Importer, at entry of goods, may add to their invoice value.

[Repealed, *post*, p. 494.]

1799, ch. 22, § 36. Vol. i. p. 655.

SEC. 18. *And be it further enacted*, That on and after the day and year this act shall take effect there shall be levied, collected, and paid on all goods, wares, and merchandise of the growth or produce of countries east of the Cape of Good Hope, (except raw cotton,) when imported from places west of the Cape of Good Hope, a duty of ten per centum ad valorem, in addition to the duties imposed on any such articles when imported directly from the place or places of their growth or production: *Provided*, That section three of the act approved August five, eighteen hundred and sixty-one, entitled "An act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes," and section fourteen of the act approved July fourteen, eighteen hundred and sixty-two, entitled "An act increasing temporarily the rates of duties on imports, and for other purposes," be, and the same are hereby, repealed.

SEC. 19. *And be it further enacted*, That all goods, wares, and merchandise which may be in the public stores or bonded warehouses on the day and year this act shall take effect shall be subjected to no other duty upon the entry thereof for consumption than if the same were imported respectively after that day, and so much of the act of August sixth, eighteen hundred and forty-six, or any other act, as requires the sale of fire-crackers, or prohibits their deposit in bonded warehouse, is hereby repealed.

SEC. 20. *And be it further enacted*, That the joint resolution "to increase temporarily the duties on imports," approved April twenty-ninth, eighteen hundred and sixty-four, shall not be deemed to have taken effect until after the thirtieth day of April, eighteen hundred and sixty-four, and shall be and remain in force until and including the thirtieth day of June, eighteen hundred and sixty-four, and any duties which shall have been exacted and received, contrary to the provisions of this section, shall be refunded by the Secretary of the Treasury.

SEC. 21. *And be it further enacted*, That, during the period of one year from the passage of this act, there may be imported into the United States, free of duty, any machinery designed for and adapted to the manufacture of woven fabrics from the fibre of flax or hemp, including all the preliminary processes requisite therefor; and that steam agricultural machinery and implements may be imported free from duty for one year from the passage of this act.

SEC. 22. *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 reenacted by this act: *And provided, further*, That the duties upon all goods, wares, and merchandise imported from foreign countries not provided for in this act shall be and remain as they were, according to existing laws prior to the twenty-ninth of April, eighteen hundred and sixty-four.

SEC. 23. *And be it further enacted*, That, on and after the day and year this act shall take effect, it shall be lawful for the owner, consignee, or agent of any goods, wares, or merchandise which shall have been actually purchased, or procured otherwise than by purchase, at the time when he shall produce his original invoice, or invoices, to the collector, and make and verify his written entry of his goods, wares, and merchandise, as provided by section thirty-six of the act of March two, seventeen hun-

dred and ninety-nine, entitled "An act to regulate the collection of duties on imports and tonnage," and not afterwards, to make such addition in the entry to the cost or value given in the invoice as, in his opinion, may raise the same to the true market-value of such goods, wares, and merchandise in the principal markets of the country whence they shall have been imported, and to add thereto all costs and charges which, under existing laws, would form part of the true value at the port where the same may be entered, upon which the duties should be assessed. And it shall be the duty of the collector, within whose district the same may be imported, or entered, to cause the dutiable value of such goods, wares, and merchandise to be appraised, estimated, and ascertained, in accordance with the provisions of existing laws. And if the appraised value thereof shall exceed, by ten per centum, or more, the value so declared on the entry, then, in addition to the duties imposed by law on the same, there shall be levied, collected, and paid a duty of twenty per centum ad valorem on such appraised value: *Provided*, That the duty shall not be assessed upon an amount less than the invoice or entered value, any law of congress to the contrary notwithstanding: *And provided, further*, That, on and after the day and year aforesaid, the eighth section of the act entitled "An act reducing the duty on imports, and for other purposes," approved July thirty, eighteen hundred and forty-six, and the act amendatory thereof, approved March three, eighteen hundred and fifty-seven, be, and the same are hereby, repealed.

Collector to ascertain dutiable value of goods.
Additional duty if value exceeds, &c.

Proviso.

Repeal of 1846, ch. 74, § 8. Vol. ix. p. 43.
1857, ch. 101. Vol. xi. p. 199.

SEC. 24. *And be it further enacted*, That in determining the valuation of goods imported into the United States from foreign countries, except as hereinbefore provided, upon which duties imposed by any existing laws are to be assessed, the actual value of such goods on shipboard at the last place of shipment to the United States shall be deemed the dutiable value. And such value shall be ascertained by adding to the value of such goods at the place of growth, production, or manufacture, the cost of transportation, shipment, and transshipment, with all the expenses included, from the place of growth, production, or manufacture, whether by land or water, to the vessel in which shipment is made to the United States, the value of the sack, box, or covering of any kind, in which such goods are contained, commission at the usual rate, in no case less than two and one half per centum, brokerage, and all export duties, together with all costs and charges, paid or incurred for placing said goods on shipboard, and all other proper charges specified by law.

Actual value of goods on shipboard at last place of shipment to be dutiable value.
Value, how ascertained.
[Repealed, *post*, p. 494.]

SEC. 25. *And be it further enacted*, That so much of section twenty-three of 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, as exempts from duty all philosophical apparatus and instruments imported for the use of any society incorporated for philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use, or by the order of any college, academy, school, or seminary of learning in the United States, is hereby repealed. And the same shall be subject to a duty of fifteen per centum ad valorem.

Duty on philosophical apparatus, &c., for colleges.
Repeal of 1861, ch. 68, § 23. Vol. xii. p. 193.

SEC. 26. *And be it further enacted*, That when any cask, barrel, cartboy, or other vessel of American manufacture, exported or sent out of the country, filled with the products of the United States, shall be returned to the United States empty, the same shall be admitted free of duty, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

Casks, &c., exported full and returned empty, to be free of duty.

SEC. 27. *And be it further enacted*, That on and after January first, eighteen hundred and sixty-five, the invoices of all goods, wares, and merchandise, imported into the United States, shall be made out in the weights or measures of the country or place from which the importations

Invoices of imports, to be made out in what weights, measures, &c.

shall be made, and shall contain a true statement of the actual weights or measures of such goods, wares, and merchandise, without any respect to the weights or measures of the United States.

Officers of customs, &c., appointed to carry into effect certain licenses, to have \$1000 a year additional. 1861, ch. 3, § 5. Vol. xii. p. 257.

Proviso.

Personal effects, luggage.

SEC. 28. *And be it further enacted*, That in all cases where officers of the customs, or other salaried officers of the United States, shall be, or shall have been, appointed by the Secretary of the Treasury, to carry into effect the licenses, rules, and regulations provided for by the fifth section of the act of the thirteenth of July, eighteen hundred and sixty-one, entitled "An act further to provide for the collection of duties on imports, and for other purposes," such officer of the United States shall be entitled to receive one thousand dollars per annum for his services, under the act aforesaid, in addition to his salary or compensation under any other law: *Provided*, That the aggregate compensation of any such officer shall not exceed the sum of five thousand dollars in any one year.

SEC. 29. *And be it further enacted*, That any baggage or personal effects arriving in the United States in transit to any foreign country, may be delivered by the parties having it in charge to the collector of customs, to be by him retained, without the payment or exaction of any import duty, and to be delivered to such parties on their departure for their foreign destination, under such rules, regulations, and fees as the Secretary of the Treasury may prescribe.

APPROVED, June 30, 1864.

June 30, 1864.

CHAP. CLXXII. — *An Act to provide Ways and Means for the Support of the Government, and for other Purposes.*

1865, ch. 22.
Post, p. 425.
1865, ch. 77.
Post, p. 468.
Secretary of Treasury may borrow \$400,000,000, and issue bonds, &c.

When redeemable.

Denominations.

Interest semi-annual in coin.
How bonds may be disposed of.

All obligations of the United States to be exempt from taxation.

Secretary may issue, in lieu of part of loan, \$200,000,000, treasury notes.

Denomination and when payable.

Interest payable in lawful money.

How may be disposed of.

How far to be legal tender.

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, from time to time, on the credit of the United States, four hundred millions of dollars, and to issue therefor coupon or registered bonds of the United States, redeemable at the pleasure of the government, after any period not less than five, nor more than thirty, years, or, if deemed expedient, made payable at any period not more than forty years from date. And said bonds shall be of such denominations as the Secretary of the Treasury shall direct, not less than fifty dollars, and bear an annual interest not exceeding six per centum, payable semi-annually in coin. And the Secretary of the Treasury may dispose of such bonds, or any part thereof, and of any bonds commonly known as five-twenties remaining unsold, in the United States, or if he shall find it expedient, in Europe, at any time, on such terms as he may deem most advisable, for lawful money of the United States, or, at his discretion, for treasury notes, certificates of indebtedness, or certificates of deposit issued under any act of congress. And all bonds, treasury notes, and other obligations of the United States shall be exempt from taxation by or under state or municipal authority.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury may issue on the credit of the United States, and in lieu of an equal amount of bonds authorized by the preceding section, and as a part of said loan, not exceeding two hundred millions of dollars, in treasury notes of any denomination not less than ten dollars, payable at any time not exceeding three years from date, or, if thought more expedient, redeemable at any time after three years from date, and bearing interest not exceeding the rate of seven and three tenths per centum, payable in lawful money at maturity, or, at the discretion of the secretary, semi-annually. And the said treasury notes may be disposed of by the Secretary of the Treasury, on the best terms that can be obtained, for lawful money; and such of them as shall be made payable, principal and interest, at maturity, shall be a legal tender to the same extent as United States notes for their face value, excluding interest, and may be paid to any creditor of the

United States at their face value, excluding interest, or to any creditor willing to receive them at par, including interest; and any treasury notes issued under the authority of this act may be made convertible, at the discretion of the Secretary of the Treasury, into any bonds issued under the authority of this act. And the Secretary of the Treasury may redeem and cause to be cancelled and destroyed any treasury notes or United States notes heretofore issued under authority of previous acts of congress, and substitute, in lieu thereof, an equal amount of treasury notes such as are authorized by this act, or of other United States notes: *Provided*, That the total amount of bonds and treasury notes authorized by the first and second sections of this act shall not exceed four hundred millions of dollars, in addition to the amounts heretofore issued; nor shall the total amount of United States notes, issued or to be issued, ever exceed four hundred millions of dollars, and such additional sum, not exceeding fifty millions of dollars, as may be temporarily required for the redemption of temporary loan; nor shall any treasury note bearing interest, issued under this act, be a legal tender in payment or redemption of any notes issued by any bank, banking association, or banker, calculated or intended to circulate as money.

Treasury notes to be convertible into bonds.

May be substituted for notes of previous issues.

Amount of bonds and notes not to exceed \$400,000,000; of notes not to exceed, &c.

Interest-bearing notes not to be tender for redemption of circulation of banks.

SEC. 3. *And be it further enacted*, That the interest on all bonds heretofore issued, payable annually, may be paid semi-annually; and in lieu of such bonds authorized to be issued, the Secretary of the Treasury may issue bonds bearing interest, payable semi-annually. And he may also issue in exchange for treasury notes heretofore issued bearing seven and three tenths per centum interest, besides the six per centum bonds heretofore authorized, like bonds of all the denominations in which such treasury notes have been issued; and the interest on such treasury notes after maturity shall be paid in lawful money, and they may be exchanged for such bonds at any time within three months from the date of notice of redemption by the Secretary of the Treasury, after which the interest on such treasury notes shall cease. And so much of the law approved March third, eighteen hundred and sixty-four, as limits the loan authorized therein to the current fiscal year, is hereby repealed; and the authority of the Secretary of the Treasury to borrow money and issue therefor bonds or notes conferred by the first section of the act of March third, eighteen hundred and sixty-three, entitled "An act to provide ways and means for the support of the government," shall cease on and after the passage of this act, except so far as it may effect seventy-five millions of bonds already advertised.

Interest of bonds heretofore issued may be paid semi-annually.

Bonds may be issued in exchange for seven and three-tenths notes.

Repeal of part of 1864, ch. 17, § 1. *Ante*, p. 13.

of 1863, ch. 73, § 1. Vol. xii. p. 709.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury may authorize the receipt, as a temporary loan, of United States notes or the notes of national banking associations on deposit for not less than thirty days, in sums of not less than fifty dollars, by any of the assistant treasurers of the United States, or depositories designated for that purpose, other than national banking associations, who shall issue certificates of deposit in such form as the Secretary of the Treasury shall prescribe, bearing interest not exceeding six per centum annually, and payable at any time after the term of deposit, and after ten days' subsequent notice, unless time and notice be waived by the Secretary of the Treasury; and the Secretary of the Treasury may increase the interest on deposits at less than six per centum to that rate, or, on ten days' notice to depositors, may diminish the rate of interest as the public interest may require; but the aggregate of such deposits shall not exceed one hundred and fifty millions of dollars; and the Secretary of the Treasury may issue, and shall hold in reserve for payment of such deposits, United States notes not exceeding fifty millions of dollars, including the amount already applied in such payment; and the United States notes, so held in reserve, shall be used only when needed, in his judgment, for the prompt payment of such deposits on demand, and shall be withdrawn and placed again in reserve as the amount of deposits shall again increase.

Secretary of Treasury may receive temporary loans.

Certificates of deposit to be issued therefor. When payable, and interest.

Aggregate not to exceed, &c.

Reserve for their payment.

Fractional currency may be issued to an amount not over \$50,000,000.

SEC. 5. *And be it further enacted,* That the Secretary of the Treasury may issue notes of the fractions of a dollar as now used for currency, in such form, with such inscriptions, and with such safeguards against counterfeiting, as he may judge best, and provide for the engraving and preparation, and for the issue of the same, as well as of all other notes and bonds, and other obligations, and shall make such regulations for the redemption of said fractional notes and other notes when mutilated or defaced, and for the receipt of said fractional notes in payment of debts to the United States, except for customs, in such sums, not over five dollars, as may appear to him expedient; and it is hereby declared that all laws and parts of laws applicable to the fractional notes engraved and issued as herein authorized, apply equally and with like force to all the fractional notes heretofore authorized, whether known as postage currency, or otherwise, and to postage-stamps issued as currency; but the whole amount of all descriptions of notes or stamps less than one dollar issued as currency, shall not exceed fifty millions of dollars.

Coupon and registered bonds, to be of what form and how signed.

SEC. 6. *And be it further enacted,* That the coupon and registered bonds shall be in such form and bear such inscriptions as the Secretary of the Treasury may direct, and shall be signed by the register of the treasury, or for the register, by such person or persons as may be specially designated for that purpose by the Secretary of the Treasury, and shall bear, as evidence of lawful issue, the imprint of the seal of the Treasury Department, to be made under the direction of the Secretary of the Treasury, in a room set apart especially and exclusively for that purpose, under the care of some person appointed directly by him. And the coupons attached to such bonds shall bear the engraved signature of the register of the treasury, and such other device or safeguard against counterfeiting as the secretary may approve; and it is hereby declared that all bonds heretofore issued, bearing the signature of the register, shall have the same force, effect, and validity as if signed also by the treasurer, and all bonds bearing the signature of the register, erroneously described as treasurer of the United States, shall have the same force, effect, and validity, as if his official designation had been correctly stated; and all coupons bearing the engraved signature of the register of the treasury in office at the time when such signatures were authorized and engraved, shall have full force, validity, and effect, notwithstanding such register may have subsequently ceased to hold office as such, when issued in connection with bonds duly authorized and signed by or for the successor or successors of said register. And the treasury notes and United States notes authorized by this act shall be in such form as the Secretary of the Treasury shall direct, and shall bear the written or engraved signatures of the treasurer of the United States and the register of the treasury, and shall have printed upon them such statements, showing the amount of accrued or accruing interest and the character of the notes, as the Secretary of the Treasury may prescribe; and shall bear, as a further evidence of lawful issue, the imprint of the seal of the Treasury Department, to be made under the direction of the Secretary of the Treasury, as before directed.

Seal.

Where to be made.

Coupons.

Former bonds made valid.

Form, &c., of treasury notes.

Registered bonds may be issued for coupon.

Mutilated, defaced, &c., bonds.

SEC. 7. *And be it further enacted,* That the Secretary of the Treasury is hereby authorized to issue, upon such terms and under such regulations as he may from time to time prescribe, registered bonds in exchange for, and in lieu of, any coupon bonds which have been or may hereafter be lawfully issued; such registered bonds to be similar in all respects to the registered bonds issued under the acts authorizing the issue of the coupon bonds offered for exchange. And for all mutilated, defaced, or indorsed coupon or other bonds presented to the department, the Secretary of the Treasury is authorized to issue, upon terms and under regulations as aforesaid, and in substitution therefor, other bonds of like or equivalent issues.

SEC. 8. *And be it further enacted,* That the Secretary of the Treasury is hereby authorized and required to make and issue, from time to time, such instructions, rules, and regulations, to the several collectors, receivers, depositaries, officers, and others, who may receive treasury notes, United States notes, or other securities in behalf of the United States, or who may be in any way engaged or employed in the preparation and issue of the same, as he shall deem best calculated to promote the public convenience and security, and to protect the United States, as well as individuals, from fraud and loss.

Instructions, &c., to public officers receiving or preparing U. S. notes, &c.

SEC. 9. *And be it further enacted,* That the necessary expenses of engraving, printing, preparing, and issuing the United States notes, treasury notes, fractional notes, and bonds, hereby authorized, and of disposing of the same to subscribers and purchasers, shall be paid out of any money in the treasury not otherwise appropriated; but the whole amount thereof shall not exceed one per centum on the amount of notes and bonds issued.

Expenses of preparing and issuing bonds, notes, &c., how borne;

not to exceed one per cent.

SEC. 10. *And be it further enacted,* That if any person or persons shall falsely make, forge, counterfeit, or alter, or cause or procure to be falsely made, forged, counterfeited, or altered, any obligation or security of the United States, or shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or shall bring into the United States from any foreign place with intent to pass, utter, publish, or sell, or shall have or keep in possession, or conceal, with intent to utter, publish, or sell, any such false, forged, counterfeited, or altered obligation, or other security, with intent to deceive or defraud, or shall knowingly aid or assist in any of the acts aforesaid, every person so offending shall be deemed guilty of felony, and shall, on conviction thereof, be punished by fine not exceeding five thousand dollars, and by imprisonment and confinement at hard labor not exceeding fifteen years, according to the aggravation of the offence.

Penalty for counterfeiting or altering U. S. securities;

for uttering, &c., counterfeit, &c., notes;

SEC. 11. *And be it further enacted,* That if any person having control, custody, or possession of any plate or plates from which any obligation or other security, or any part thereof, shall have been printed, or which may have been prepared by direction from the Secretary of the Treasury, for the purpose of printing any such obligation or other security, or any part thereof, shall use such plate or plates, or knowingly suffer the same to be used for the purpose of printing any such or similar obligation, or other security, or any part thereof, except such as shall be printed for the use of the United States, by order of the proper officer thereof; or if any person shall engrave, or cause or procure to be engraved, or shall aid or assist in engraving any plate or plates in the likeness or similitude of any plate or plates designed for the printing of any such obligation or other security, or any part thereof, or shall vend or sell any such plate or plates, or shall bring into the United States from any foreign place any such plate or plates, except under the direction of the Secretary of the Treasury or other proper officer, or with any other intent, or for any other purpose, in either case, than that such plate or plates shall be used for the printing of such notes, bonds, coupons, or other obligations or securities, or some part or parts thereof, for the use of the United States, or shall have in his control, custody, or possession, any metallic plate engraved after the similitude of any plate from which any such obligation or other security, or any part or parts thereof, shall have been printed, with intent to use such plate or plates, or cause or suffer the same to be used in forging or counterfeiting any such obligation or other security, or any part or parts thereof, or shall have in his custody or possession, except under authority from the Secretary of the Treasury, or other proper officer, any obligation or other security, engraved and printed after the similitude of any obligation or other security issued under the authority of the United States, with in-

for using plates to print notes without authority;

for engraving plates, &c.

Penalty
for printing or
photographing
notes, &c.;

for bringing in-
to the United
States such pho-
tographed, &c.,
notes;

for retaining
plates, &c., with-
out authority;

for using plates,
&c., in counter-
feiting notes.

Pending prose-
cutions under for-
mer act not af-
fected.

Proviso.

Words " obli-
gation or other
security, &c.," to
include what.

tent to sell or otherwise use the same; or if any person shall print, photograph, or in any other manner make or execute, or cause to be printed, photographed, or in any manner made or executed, or shall aid in printing, photographing, making, or executing any engraving, photograph, or other print or impression in the likeness or similitude of any obligation or other security, or any part or parts thereof, or shall vend or sell any such engraving, photograph, print, or other impression, except to the United States, or shall bring into the United States from any foreign place any such engraving, photograph, print, or other impression, except by the direction of some proper officer of the United States, or shall have or retain in his custody or possession, after a distinctive paper shall have been adopted by the Secretary of the Treasury for obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under authority of the Secretary of the Treasury, or some other proper officer of the United States, every person so offending shall be deemed guilty of a felony, and shall, on conviction thereof, be punished by fine not exceeding five thousand dollars, or by imprisonment and confinement at hard labor, not exceeding fifteen years, or by both, in the discretion of the court.

SEC. 12. *And be it further enacted*, That if any person shall have or retain in his or her custody, possession, or control, without the written authority or warrant of the Secretary of the Treasury, or of the comptroller of the currency, approved by the Secretary of the Treasury, any engraved or transferred plate, block, or electrotype, or any die, roll, or other original work used in making or preparing any plate, block, or electrotype, or any plate, block, or electrotype prepared or made after the similitude of any plate, block, or electrotype, from which any obligation or other security authorized to be issued by any act of congress, or any part thereof, has been, or may hereafter be, printed, or shall use, or cause, or knowingly suffer, the same to be used, in forging or counterfeiting any such obligation or other security, or shall print, or cause to be printed, any bronzed or gilt letters or devices, or shall print, or cause to be printed, any letters, figures, or devices with green ink, or any green color or pigment, upon any note, bond, or other representative of value, intended or adapted to be used as a currency or a circulating medium, every such person, being thereof convicted by due course of law, shall be deemed guilty of felony, and shall be imprisoned and kept at hard labor for a term not more than ten years, and fined in a sum not more than ten thousand dollars: *Provided*, That nothing in this act shall affect any prosecution pending, or any civil or criminal liabilities incurred under any former act: *Provided, further*, That the foregoing provisions of this section shall not be held or construed to deprive any person of the right to retain in his custody and possession and use for any lawful purpose, any engraved or transferred plate, block, or electrotype, or any die, roll, or other original work as aforesaid, which had been used by him in printing or engraving bank-notes or other obligations, before being used in printing any obligation or other security authorized to be issued by any act of congress; nor shall any of said foregoing provisions be held or construed to prohibit or restrain the lawful use by any person of any ink, color, or pigment, the exclusive right to which has been secured to any such person by letters-patent which are still in force.

SEC. 13. *And be it further enacted*, That the words " obligation or other security of the United States," used in this act, shall be held to include and mean all bonds, coupons, national currency, United States notes, treasury notes, fractional notes, checks for money of authorized officers of the United States, certificates of indebtedness, certificates of deposit, stamps, and other representatives of value of whatever denomination, which have been or may be issued under any act of congress.

APPROVED, June 30, 1864.

CHAP. CLXXXIII. — *An Act to provide Internal Revenue to support the Government, to pay Interest on the Public Debt, and for other Purposes.*

June 30, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of superintending the collection of internal duties, stamp duties, licenses, or taxes, imposed by this act, or which may hereafter be imposed, and of assessing the same, the commissioner of internal revenue, whose annual salary shall be four thousand dollars, shall be charged, under the direction of the Secretary of the Treasury, with preparing all the instructions, regulations, directions, forms, blanks, stamps, and licenses, and distributing the same, or any part thereof, and all other matters pertaining to the assessment and collection of the duties, stamp duties, licenses, and taxes which may be necessary to carry this act into effect, and with the general superintendence of his office, as aforesaid, and shall have authority, and hereby is authorized and required, to provide cotton marks, hydrometers, and proper and sufficient adhesive stamps, and stamps or dies for expressing and denoting the several stamp duties, or the amount thereof in the case of percentage duties, imposed by this act, and to alter and renew or replace such stamps, from time to time, as occasion shall require. He may also contract for or procure the printing of requisite forms, decisions, regulations, and advertisements; but the printing of such forms, decisions, and regulations shall be done at the public printing-office, unless the public printer shall be unable to perform the work. And the Secretary of the Treasury may, at any time prior to the first day of July, eighteen hundred and sixty-five, assign to the office of the commissioner of internal revenue such number of clerks as he may deem necessary, or the exigencies of the public service may require; and the privilege of franking all letters and documents pertaining to the duties of his office, and of receiving free of postage all such letters and documents, is hereby extended to said commissioner.

1865, ch. 73.
 Post, p. 458.
 1865, ch. 78.
 Post, p. 469.
 Commissioner of internal revenue.
 Salary.
 Duty.
 Authority.
 Printing.
 Clerks.
 Franking privilege.

GENERAL PROVISIONS.

SEC. 2. *And be it further enacted,* That it shall be the duty of the commissioner of internal revenue to pay over daily to the treasurer of the United States all public moneys which may come into his possession, for which the treasurer shall give proper receipts and keep a faithful account; and at the end of each month the said commissioner shall render true and faithful accounts of all public moneys received or paid out, or paid to the treasurer of the United States, exhibiting proper vouchers therefor, and the same shall be received and examined by the fifth auditor of the treasury, who shall thereafter certify the balance, if any, and transmit the accounts, with the vouchers and certificate, to the first comptroller for his decision thereon; and the said commissioner, when such accounts are settled as herein provided for, shall transmit a copy thereof to the Secretary of the Treasury. He shall at all times submit to the Secretary of the Treasury and the comptroller, or either of them, the inspection of moneys in his hands, and shall, prior to the entering upon the duties of his office, execute a bond, with sufficient sureties, to be approved by the Secretary of the Treasury and by the first comptroller, in a sum of not less than one hundred thousand dollars, payable to the United States, conditioned that said commissioner shall faithfully perform the duties of his office according to law, and shall justly and faithfully account for and pay over to the United States, in obedience to law and in compliance with the order or regulations of the Secretary of the Treasury, all public moneys which may come into his hands or possession, and for the safe-keeping and faithful account of all stamps, adhesive stamps, or vellum, parchment or paper bearing a stamp denoting any duty thereon, which bond shall be filed in the office of the first comptroller of the treasury. And such

Commissioner to pay over moneys daily;
 to render accounts.
 Bond.

commissioner shall, from time to time, renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct.

Deputy commissioner.
Salary and duty.

SEC. 3. *And be it further enacted*, That the deputy commissioner of internal revenue, whose annual salary shall be twenty-five hundred dollars, shall be charged with such duties in the bureau of internal revenue as may be prescribed by the Secretary of the Treasury, or as may be required by law, and shall act as commissioner of internal revenue in the absence of that officer, and exercise the privilege of franking all letters and documents pertaining to the office of internal revenue.

Revenue agents, their duty and pay.

Post, p. 469.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury may appoint not exceeding five revenue agents, whose duties shall be, under the direction of the Secretary of the Treasury, to aid in the prevention, detection, and punishment of frauds upon the internal revenue, and in the enforcement of the collection thereof, who shall be paid, in addition to the expenses necessarily incurred by them, such compensation as the Secretary of the Treasury may deem just and reasonable, not exceeding two thousand dollars per annum. The above salaries to be paid in the same manner as are other expenses for collecting the revenue.

Inspectors.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury may appoint inspectors in any assessment district where in his judgment it may be necessary for the purposes of a proper enforcement of the internal revenue laws or the detection of frauds, and such inspectors and revenue agents aforesaid shall be subject to the rules and regulations of the said secretary, and have all the powers conferred upon any other officers of internal revenue in making any examination of persons, books, and premises which may be necessary in the discharge of the duties of their office. And the compensation of such inspectors shall be fixed and paid for such time as they may be actually employed, not exceeding four dollars per day, and their just and proper travelling expenses.

Pay.

Cashier of internal revenue.
Salary, duty, bond.

SEC. 6. *And be it further enacted*, That the cashier of internal duties, who shall hereafter be called cashier of internal revenue, and whose annual salary shall be twenty-five hundred dollars, shall perform such duties as may be assigned to his office by the commissioner of internal revenue, under the regulations of the Secretary of the Treasury, and shall give a bond, with sufficient sureties, to be approved by the Secretary of the Treasury and by the solicitor, that he will faithfully account for all the moneys or other articles of value belonging to the United States which may come into his hands, and perform all the duties enjoined upon his office, according to law and regulations, as aforesaid; which bond shall be deposited with the first comptroller of the treasury.

Act of 1862, ch. 119, § 2, to remain in force. Vol. xii, p. 433. Collection districts may be altered.

SEC. 7. *And be it further enacted*, That the second section of an act entitled "An act to provide internal revenue to support the government and to pay interest on the public debt," approved July one, eighteen hundred and sixty-two, shall remain and continue in full force; and the President is hereby authorized to alter the respective collection districts provided for in said section as the public interests may require.

Assessment districts.

SEC. 8. *And be it further enacted*, That each assessor shall divide his district into a convenient number of assessment districts, which may be changed as often as may be deemed necessary, subject to such regulations and limitations as may be imposed by the commissioner of internal revenue, within each of which the Secretary of the Treasury, whenever there shall be a vacancy or the public interest shall require, shall appoint, with the approval of the said commissioner, one assistant assessor, who shall be a resident of the district of said assessor; and in case of a vacancy occurring in the office of assessor by reason of death or any other cause, the assistant assessor of the assessment district in which the assessor resided at the time of the vacancy occurring shall act as assessor until an appointment filling the vacancy shall be made. And each assessor and assistant assessor so appointed shall, before he enters on the duties of

Post, p. 469.

Assistant assessor for each district.

Vacancy.

his office, take and subscribe, before some competent magistrate, or some collector, to be appointed by virtue of this act, (who is hereby empowered to administer the same,) the following oath or affirmation, to wit: "I, A B, do swear (or affirm, as the case may be) that I will bear true faith and allegiance to the United States of America, and will support the Constitution thereof, and that I will diligently and faithfully perform the duties of assessor (or assistant assessor) for (naming the assessment district) according to my best skill and judgment." 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.

Assessors.

Oath.

SEC. 9. *And be it further enacted,* That before any collector shall enter upon the duties of his office, he shall execute a bond for such amount as shall be prescribed by the commissioner of internal revenue, under the direction of the Secretary of the Treasury, with not less than five sureties, to be approved by the solicitor of the treasury, conditioned that said collector shall faithfully perform the duties of his office according to law, and shall justly and faithfully account for and pay over to the United States, 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. And such collector shall, from time to time, renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct, with such further conditions as the said commissioner shall prescribe.

Collector's bond.

SEC. 10. *And be it further enacted,* That each collector shall be authorized to appoint, by an instrument of writing under his hand, as many deputies as he may think proper, to be by him compensated for their services, and also to revoke any such appointment, giving such notice thereof as the commissioner of internal revenue shall prescribe; and may require bonds or other securities, and accept the same from such deputy; and each such deputy shall have the like authority, in every respect, to collect the duties and taxes levied or 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 by any of his deputies whilst acting as such, and for every omission of duty.

Deputy collectors.

Bond.

Collector responsible for acts of deputy.

SEC. 11. *And be it further enacted,* That it shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, license, stamp, or tax imposed by law, when not otherwise provided for, on or before the first Monday of May in each year, and in other cases before the day of levy, to make a list or return, verified by oath or affirmation, to the assistant assessor of the district where located, of the amount of annual income, the articles or objects charged with a special duty or tax, the quantity of goods, wares, and merchandise made or sold, and charged with a specific or ad valorem duty or tax, the several rates and aggregate amount, according to the respective provisions of this act, and according to the forms and regulations to be prescribed by the commissioner of internal revenue, under the direction of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable to be assessed.

Persons liable to tax to make returns to assistant assessor.

SEC. 12. *And be it further enacted,* That the instructions, regulations, and directions, as hereinbefore mentioned, shall be binding on each assessor and his assistants, and on each collector and his deputies, and on all other persons, in the performance of the duties enjoined by or under this act; pursuant to which instructions the said assessors shall, on the first Monday of May in each year, and from time to time thereafter, in accordance with this act, direct and cause the several assistant assessors to proceed through every part of their respective districts, and inquire after and concerning all persons being within the assessment districts where they

Instructions of commissioner binding upon assessor, &c.

Assistant assessors to make lists of owners and to enumerate and

value objects of
taxation.

respectively reside, owning, possessing, or having the care or management of any property, goods, wares, and merchandise, articles or objects, liable to pay any duty, stamp, or tax, including all persons liable to pay a license or other duty, under the provisions of this act, and to make a list of the owners, and to value and enumerate the said objects of taxation respectively, by reference to any lists of assessment or collection taken under the laws of the respective states, to any other records or documents, to the written list, schedule, or return required to be made out and delivered to the assistant assessor, and by all other lawful ways and means, in the manner prescribed by this act, and in conformity with the regulations and instructions before mentioned.

Assistant assessors to make lists where owners neglect, but disclose.

SEC. 13. *And be it further enacted,* That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles and objects liable to pay any duty or tax, or any business or occupation liable to pay any license, as aforesaid, then, and in that case, it shall be the duty of the officer to make such list or return, which being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person.

Persons absent when assessors call, to send in list.

SEC. 14. *And be it further enacted,* That in case any person shall be absent from his or her residence or place of business at the time an assistant assessor shall call to receive the annual list or return, it shall be the duty of such assistant assessor to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post-office, a note or memorandum, addressed to such person, requiring him or her to present to such assessor the list or return required by law within ten days from the date of such note or memorandum, verified by oath or affirmation. And if any person, on being notified or required as aforesaid, shall refuse or neglect to give such list or return within the time required as aforesaid, or if any person shall not deliver a monthly or other list or return without notice at the time required by law, or if any person shall deliver or disclose to any assessor or assistant assessor any list, statement, or return, which, in the opinion of the assessor, is false or fraudulent, or contains any understatement or undervaluation, it shall be lawful for the assessor to summon such person, his agent, or other person having possession, custody, or care of books of account containing entries relating to the trade or business of such person, or any other persons as he may deem proper, to appear before such assessor and produce such book, at a time and place therein named, and to give testimony or answer interrogatories under oath or affirmation respecting any objects liable to duty or tax as aforesaid, or the lists, statements, or returns thereof, or any trade, business, or profession liable to any tax or license as aforesaid. Such summons may be served by any assistant assessor of the district. In case any person so summoned shall neglect or refuse to obey such summons according to its exigency, or to give testimony, or to answer interrogatories as required, it shall be lawful for the assessor, upon affidavit proving the facts, to apply to the judge of the district court, or a commissioner authorized to perform the duties of such judge at chambers, for an attachment against such person as for a contempt. It shall be the duty of such judge or commissioner to hear such application, and, if satisfactory proof be made, to issue an attachment directed to some proper officer for the arrest of such person, and upon his being brought before him to proceed to a hearing of the case, and upon such hearing the judge or commissioner shall have power to make such order as he shall deem proper to enforce obedience to the requirements of

If persons neglect to make lists, or make false ones, assessor to summon, &c.

Penalty for refusal to obey summons, &c.

Arrest for contempt.

the summons and punish such person for his default or disobedience. It shall be the duty of the assessor or assistant assessor of the district within which such person shall have taxable property to enter into and upon the premises, if it be necessary, of such person so refusing or neglecting, or rendering a false or fraudulent list or return, and to make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the assessor, and on his own view and information, such list or return, according to the form prescribed, of the property, goods, wares, and merchandise, and all articles or objects liable to duty or tax, owned or possessed or under the care or management of such person, and assess the duty thereon, including the amount, if any, due for license and income; and in case of the return of a false or fraudulent list or valuation, he shall add one hundred per centum to such duty; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add fifty per centum to such duty; and in case of neglect occasioned by sickness or absence as aforesaid, the assessor may allow such further time for making and delivering such list or return as he may judge necessary, not exceeding thirty days; and the amount so added to the duty shall, in all cases, be collected by the collector at the same time and in the same manner with the duties; and the lists or returns so made and subscribed by such assessors or assistant assessors shall be taken and reputed as good and sufficient lists or returns for all legal purposes.

Assessors to make lists and assess duties.

Additions for fraudulent lists, for neglecting to make lists, &c.

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SEC. 15. *And be it further enacted*, That if any person shall deliver or disclose to any assessor or assistant assessor appointed in pursuance of law any false or fraudulent list, return, account, or statement, with intent to defeat or evade the valuation, enumeration, or assessment intended to be made, or if any person who being duly summoned to appear to testify, or to appear and produce such books as aforesaid, shall neglect to appear or to produce said books, he shall, upon conviction thereof before any circuit or district court of the United States, be fined in any sum not exceeding one thousand dollars, or be imprisoned for not exceeding one year, or both, at the discretion of the court, with costs of prosecution.

Penalty for disclosing false lists, neglecting to produce books, &c.

SEC. 16. *And be it further enacted*, That whenever there shall be in any assessment district any property, goods, wares, and merchandise, articles or objects, not owned or possessed by, or under the care or management of, any person within such district, and liable to be taxed as aforesaid, and no list of which shall have been transmitted to the assistant assessor in the manner provided by this act, it shall be the duty of the assistant assessor for such district to enter into and upon the premises where such property is situated, and take such view thereof as may be necessary, and to 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, goods, wares, and merchandise, articles or objects as aforesaid, for all legal purposes.

Property of absent owners, how assessed, &c.

SEC. 17. *And be it further enacted*, That any owner or person having the care or management of property, goods, wares, and merchandise, articles or objects, not lying or being within the assessment district in which he resides, 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 duty or taxation are situated is therein distinctly stated) at the time and in the manner prescribed to the assistant assessor of the assessment district wherein such person resides. And it shall be the duty of the assistant assessor who receives any such list to transmit the same to the assistant assessor where such objects of taxation are situate, who shall examine such list; and if he approves the same, he shall return it to the assistant assessor from whom he received it, with his approval thereof; and if he fails to approve the same, he shall make such alterations therein and additions thereto as he may deem to be just and proper, and shall

Owners of property out of the districts in which they reside, may make lists, &c.

Duty of assessors in such cases.

then return the said list to the assistant assessor from whom it was received, who shall proceed, in making the assessment of the tax upon the list by him so received, in all respects as if the said list had been made out by himself.

Lists to be taken with reference to what time, and how named. SEC. 18. *And be it further enacted,* That the lists aforesaid shall, where not otherwise specially provided for, be taken with reference to the day fixed for that purpose by this act, as aforesaid, and, where duties accrue at other and different times, the lists shall be taken with reference to the time when said duties become due, and shall be denominated annual, monthly, and special lists. 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, firms, companies, or corporations liable to pay any duty, tax, or license under this act, residing within the assessment district, together with the value and assessment or enumeration, as the case may require, of the objects liable to duty or taxation within such districts for which each such person is liable, or for which any firm, company, or corporation is liable, with the amount of duty or tax payable thereon; and the second list shall exhibit, in alphabetical order, the names of all persons residing out of the collection district, who own property within the district, together with the value and assessment or enumeration thereof, as the case may be, with the amount of duty or tax payable thereon as aforesaid.

Two general lists, of residents; of non-residents. The forms of the said general list shall be devised and prescribed by the assessor, under the direction of the commissioner of internal revenue, and lists taken according to such forms shall be made out by the assistant assessors and delivered to the assessor within thirty days after the day fixed by this act as aforesaid, requiring lists from individuals; or where duties, licenses, or taxes accrue at other and different times, the lists shall be delivered from time to time as they become due.

Forms of lists.

Assessors to give notice when and where appeals may be heard. SEC. 19. *And be it further enacted,* That the assessors for each collection district shall, by advertisement in some public newspaper published in each county within said district, if any such there be, if not, then in some newspaper in the collection district nearest thereto, and by notifications to be posted up in at least four public places within each assessment district, advertise, by not less than ten days' notice, all persons concerned, of the time and place within said county when and where appeals will be received and determined relative to any erroneous or excessive valuations, assessments, or enumerations by the assessor or assistant assessor returned in the annual list. And it shall be the duty of the assessor for each collection district, at the time fixed for hearing such appeal, as aforesaid, to submit the proceedings of the assessors and assistant assessors, and the annual lists taken and returned as aforesaid, to the inspection of any and all persons who may apply for that purpose. And the said assessor for each collection district is hereby authorized at any time to 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 or assistant assessors: *Provided,* That no appeal shall be allowed to any party after he shall have been duly assessed, and the annual list containing the assessment has been transmitted to the collector of the district. And all appeals to the assessor, 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 error complained of. And the assessor shall have power to reexamine and determine upon the assessments and valuations and rectify the same as shall appear just and equitable; but no valuation, assessment, or enumeration 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, office, or place of business of the party by such assessor, assistant assessor,

Lists, &c., to be open to inspection.

Appeals, how to be determined, &c.;

to state what.

Assessments may be rectified; not to be increased unless, &c.

or other person, or sent by mail to the nearest or usual post-office address of said party: *Provided, further,* That on the hearing of appeals it shall be lawful for the assessor to require by summons the attendance of witnesses and the production of books of account in the same manner and under the same penalties as are provided in cases of refusal or neglect to furnish lists or returns. The bills for the attendance and mileage of said witnesses shall be taxed by the assessor and paid by the delinquent parties, or otherwise by the collector of the district, on certificate of the assessor, at the rates usually allowed in said district for witnesses in courts of justice.

Appeals, books, witnesses.

Attendance and mileage.

SEC. 20. *And be it further enacted,* That the said assessors of each collection district, respectively, shall, immediately after the expiration of the time for hearing appeals concerning taxes returned in the annual list, and from time to time as duties, taxes, or licenses become liable to be assessed, make out lists containing the sums payable according to law upon every object of duty or taxation for each collection district; which lists shall contain the name of each person residing within the said district, or owning or having the care or superintendence of property lying within the said district, which is liable to any tax or duty, or engaged in any business or pursuit requiring a license, 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 duty or tax, not owned or 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, when known. And the assessor making out any such separate list shall transmit to the assessor of the district, where the persons liable to pay such tax reside, or shall have their principal place of business, copies of the list of property held by persons so liable to pay such tax, to the end that the taxes assessed under the provisions of this act may be paid within the collection district where the persons liable to pay the same reside, or may have their principal place of business. And in all other cases the said assessor shall furnish to the collectors of the several collection districts, respectively, within ten days after the time of hearing appeals concerning taxes returned in the annual list, and from time to time thereafter as required, a certified copy of such list or lists for their proper collection districts. And in case it shall be found or discovered by any assessor that the annual list so furnished to the proper collector, as aforesaid, is imperfect or incomplete, owing to the names of persons, firms, corporations, or objects liable to tax or duty being omitted therefrom, the said assessor may, from time to time, at any time thereafter, enter on a special list all such objects of duty or taxation, with the names of persons owning or having the care or superintendence of property lying within said district liable to said tax or duty, or engaged in any business or pursuit requiring a license, with the sums payable by each, as he shall discover to have been omitted as aforesaid; and the same proceedings shall obtain and be had with respect to such objects of duty or tax as are by this act required in respect to objects of duty or taxes, and persons liable to tax regularly entered and returned on any monthly or special list: *Provided,* That the office or principal place of business of the said assessor shall be always open when he is not necessarily absent therefrom during the business hours of each day, for the hearing of appeals by parties who shall appear voluntarily before him: *Provided, further,* That it shall be in the power of the commissioner of internal revenue to exonerate any assessor as aforesaid from forfeitures, in whole or in part, as to him shall appear just and equitable.

Assessors to make out lists.

Contents of lists.

Lists of non-residents.

Lists to be sent to collector in ten days.

If lists are imperfect, special lists may be made.

Provisos.

SEC. 21. *And be it further enacted,* That every assessor or assistant assessor who shall enter upon and perform the duties of his office without having taken the oath or affirmation prescribed by this act, or who shall

Penalty upon assessors and assistant assessors

for acting
without taking
oath, &c.

wilfully neglect to perform any of the duties prescribed by this act at the time and in the manner herein designated, or who shall knowingly make any false or fraudulent list or valuation or assessment, or shall demand or receive any compensation, fee, or reward, other than those provided for herein, for the performance of any duty, or shall be guilty of extortion or wilful oppression in office, shall, upon conviction thereof in any circuit or district court of the United States having jurisdiction thereof, be subject to a fine of not exceeding one thousand dollars, or to imprisonment for not exceeding one year, or both, at the discretion of the court, and shall be dismissed from office, and shall be forever disqualified from holding any office under the government of the United States. And one half of the fine so imposed shall be for the use of the United States, and the other half for the use of the informer, who shall be ascertained by the judgment of the court; and the said court shall also render judgment against the said assessor or assistant assessor for the amount of damages sustained in favor of the party injured, to be collected by execution.

Pay of assess-
ors.

SEC. 22. *And be it further enacted,* That there shall be allowed and paid to the several assessors a salary of fifteen hundred dollars per annum, payable quarterly. And in addition thereto, where the receipts of the collection district shall exceed the sum of one hundred thousand dollars and shall not exceed the sum of four hundred thousand dollars annually, one half of one per centum upon the excess of receipts over one hundred thousand dollars. Where the receipts of a collection district shall exceed four hundred thousand dollars and shall not exceed six hundred thousand, one fifth of one per centum upon the excess of receipts over four hundred thousand dollars. Where the receipts shall exceed six hundred thousand dollars, one tenth of one per centum upon such excess; but the salary of no assessor shall, in any case, exceed the sum of four thousand dollars.

Certain ex-
penses to be
allowed.

And the several assessors shall be allowed and paid the sums actually and necessarily expended, with the approval of the commissioner of internal revenue; but no account for such rent shall be allowed or paid until it shall have been verified in such manner as the commissioner shall require, and shall have been audited and approved by the proper officers of the treasury department, for office-rent, not exceeding the rate of five hundred dollars per annum. And the several assessors shall be paid, after the account thereof shall have been rendered to, and approved by, the proper officers of the treasury, their necessary and reasonable charges for clerk-hire; but no such account shall be approved unless it shall state the name or names of the clerk or clerks employed, and the precise periods of time for which they were respectively employed, and the rate of compensation agreed upon, and shall be accompanied by an affidavit of the assessor stating that such service was actually required by the necessities of his office, and was actually rendered; and also by the affidavit of each clerk, stating that he has rendered the service charged in such account on his behalf, the compensation agreed upon, and that he has not paid, deposited, or assigned, or contracted to pay, deposit, or assign any part of such compensation to the use of any other person, or in any way, directly or indirectly, paid or given, or contracted to pay or give, any reward or compensation for his office or employment, or the emoluments thereof.

Clerk-hire.

Pay of assist-
ant assessors.

And the chief clerk of any such assessor is hereby authorized to administer, in the absence of the assessor, such oaths or affirmations as are required by this act. And there shall be allowed and paid to each assistant assessor four 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 three dollars for every hundred persons assessed contained in the tax list, as completed and delivered by him to the assessor; and twenty-five cents for each permit granted to any tobacco, snuff, or cigar manufacturer; and the said assessors and assistant assessors, respectively, shall be paid after the account thereof shall have been

rendered to, and approved by, the proper officers of the treasury, their necessary and reasonable charges for stationery and blank books used in the discharge of their duties, and for postage actually paid on letters and documents received or sent, and relating exclusively to official business: *Provided*, That no such account shall be approved unless it shall state the date and the particular item of every such expenditure, and shall be verified by the oath or affirmation of such assessor or assistant assessor; and the compensation herein specified shall be in full for all expenses not otherwise particularly authorized. *Provided, further*, That the Secretary of the Treasury shall be, and he is hereby, authorized to fix such additional rates of compensation to be made to assessors and assistant assessors in cases where a collection district embraces more than a single congressional district, and to assessors and assistant assessors, revenue agents and inspectors, in Louisiana, North Carolina, Mississippi, Tennessee, Missouri, California, and Oregon, and the territories, as may appear to him to be just and equitable, in consequence of the greater cost of living and travelling in those states and territories, and as may, in his judgment, be necessary to secure the services of competent officers; but the rates of compensation thus allowed shall not exceed the rates paid to similar officers in such states and territories respectively.

Accounts to be verified by oath.

Additional compensation to assessors.

SEC. 23. *And be it further enacted*, That if any assessor shall demand of, or receive directly or indirectly from, any assistant assessor, as a condition of his appointment to, or continuance in, his said office of assistant assessor, any portion of the compensation herein allowed such assistant assessor, or any other consideration, such assessor so offending shall be summarily dismissed from office, and shall be liable to a fine of not less than five hundred dollars upon conviction of said offence in any district or circuit court of the United States of the district in which such offence may be committed.

Penalty upon assessor for receiving portion of pay of assistant, &c.

SEC. 24. *And be it further enacted*, That the assistant assessors shall make out their accounts for pay and charges allowed by law monthly, specifying each item and including the date of each day of service, and shall transmit the same, verified by oath or affirmation, to the assessor of the district, who shall thereupon examine the same, and, if it appear just and in accordance with law, he shall indorse his approval thereon, but otherwise shall return the same with objections. Any such account, so approved, may be presented by the assistant assessor to the collector of the district for payment, who shall thereupon pay the same, and, when receipted by the assistant assessor, be allowed therefor upon presentation to the commissioner of internal revenue. Where any account, so transmitted to the assessor, shall be objected to, in whole or in part, the assistant assessor may appeal to the commissioner of internal revenue, whose decision on the case shall be final. And should it appear, at any time, that any assessor has knowingly or negligently approved any account, as aforesaid, allowing any assistant assessor a sum larger than was due according to law, it shall be the duty of the commissioner of internal revenue, upon proper proof thereof, to deduct the sum so allowed from any pay which may be due to such assessor; or the commissioner as aforesaid may direct a suit to be brought in any court of competent jurisdiction against the assessor or assistant assessor in default, for the recovery of the amount knowingly or negligently allowed, as hereinbefore mentioned: *Provided*, That in estimating the allowance to be made to assistant assessors for periods of service less than a day, each ten hours shall be deemed the equivalent of a day.

Accounts of assistant assessors.

SEC. 25. [*And be it further enacted*,] That there shall be allowed to collectors, in full compensation for their services and that of their deputies, a salary of fifteen hundred dollars per annum, to be paid quarterly, and in addition thereto a commission of three per centum upon the first hundred thousand dollars, and a commission of one per centum upon all

Pay of collectors.

sums above one hundred thousand dollars and not exceeding four hundred thousand dollars, and a commission of one half of one per centum on all sums above four hundred thousand dollars, such commissions to be computed upon the amounts by them respectively collected and paid over and accounted for under the instructions of the treasury department. And there shall be further paid, after the account thereof has been rendered to, and approved by, the proper officers of the treasury, to each collector his necessary and reasonable charge, for stationery and blank books used in the performance of his official duties, and for postage actually paid on letters and documents received or sent, and exclusively relating to official business; but no such account shall be approved unless it shall state the date and the particular items of every such expenditure, and shall be verified by the oath or affirmation of the collector: *Provided*, That the salary and commissions of no collector, exclusive of stationery, blank books, and postage, shall exceed ten thousand dollars in the aggregate, nor more than five thousand dollars exclusive of the expenses for rent, stationery, blank books, and postage, and pay of deputies and clerks, to which such collector is actually and necessarily subjected in the administration of his office: *Provided, further*, That the Secretary of the Treasury be authorized to make such further allowances, from time to time, as may be reasonable in cases in which, from the territorial extent of the district, or from the amount of internal duties collected, or from other circumstances, it may seem just to make such allowances.

SEC. 26. *And be it further enacted*, That in the adjustment of the accounts of assessors and collectors of internal revenue which shall accrue after the thirtieth of June, eighteen hundred and sixty-four, and in the payment of their compensation for services after that date, the fiscal year of the treasury shall be observed; and where such compensation, or any part of it, shall be by commissions upon assessments or collections, and shall during any year, in consequence of a new *apportionment* [appointment,] be due to more than one assessor or collector in the same district, such commissions shall be apportioned between such assessors or collectors according to the amounts collected by them respectively; but in no case shall a greater amount of the commissions be allowed to two or more assessors or collectors in the same district than is, or may be, authorized by law to be allowed to one assessor or collector. And the salary and commissions of assessors and collectors heretofore earned and accrued shall be adjusted, allowed, and paid in conformity to the provisions of this section, and not otherwise.

SEC. 27. *And be it further enacted*, That each collector, on receiving, from time to time, lists and returns from the said assessors, shall subscribe three receipts: one of which shall be made upon a full and correct copy of each list or return, and 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 shall be made upon aggregate statements of the lists or returns aforesaid, exhibiting the gross amount of taxes to be collected in his collection district, one of which aggregate statements and receipts shall be transmitted to the commissioner of internal revenue, and the other to the first comptroller of the treasury.

SEC. 28. *And be it further enacted*, That each of said collectors shall, within twenty days after receiving his annual collection list from the assessors, give notice, by advertisement published in each county in his collection district, in one newspaper printed in such county, if any such there be, and by notifications to be posted up in at least four public places in each county in his collection district, that the said duties have become due and payable, and state the time and place within said county at which he or his deputy will attend to receive the same, which time shall not be less than *than* ten days after such notification; and all persons who shall

Pay of collectors.

Post, p. 469.

Charges and expenses.

Post, p. 469.

Pay not to exceed, &c.

[Proviso stricken out. *Post*, p. 469.]

Further allowances.

Accounts of collectors and assessors, how adjusted.

Post, p. 469.

Collectors to give receipts for lists;

to give notice that duties are payable.

[Amended, *Post*, pp. 469, 470.]

neglect to pay the duties and taxes so as aforesaid assessed within the time specified, shall be liable to pay ten per centum additional upon the amount thereof, the fact of which liability shall be stated in the advertisement and notifications aforesaid. And if any person shall neglect to pay as aforesaid for more than ten days, it shall be the duty of the collector or his deputy to issue to such person a notice to be left at his dwelling or usual place of business, or be sent by mail, demanding the payment of said duties or taxes, stating the amount thereof, with a fee of twenty cents for the issuing and service of such notice, and with four cents for each mile actually and necessarily travelled in serving the same. And if such persons shall not pay the duties or taxes, with the penalty aforesaid, and the fee of twenty cents and mileage as aforesaid, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said duties or taxes, and fee of twenty cents and mileage, with ten per centum penalty as aforesaid. And with respect to all such duties or taxes as are not included in the annual lists as aforesaid, and all taxes and duties the collection of which is not otherwise provided for in this act, it shall be the duty of each collector, in person or by deputy, to demand payment thereof, in the manner last mentioned, within ten days from and after receiving the list thereof from the assessor, or within twenty days from and after the expiration of the time within which such duty or tax should have been paid; and if the annual or other duties shall not be paid within ten days from and after such demand therefor, it shall be lawful for such collector, or his deputies, to proceed to collect the said duties or taxes, with ten per centum additional thereto, as aforesaid, by distraint and sale of the goods, chattels, or effects of the persons delinquent as aforesaid. And in case of 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 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, or usual place of business, 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 published in some newspaper within the county wherein said distraint is made, if there is a newspaper published in said county, or to be publicly posted up at the post-office, if there be one within five miles, nearest to the residence of the person whose property shall be distrained, and in not less than two other public places, which notice shall specify the articles distrained, and the time and place for the sale thereof, which time shall not be less than ten nor more than twenty days from 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 duties or taxes aforesaid, the goods, chattels, or effects so distrained shall and may be restored to the owner or possessor, if prior to the sale payment of the amount due 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 expenses of removing, advertising, and keeping the goods, chattels, or effects so distrained, as may be prescribed by the commissioner of internal revenue; 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, further*, That there shall be exempt from distraint the tools or implements of a trade or profession, one cow, arms, and

Collectors to demand payment if, &c.

to collect by distraint if, &c

Proceedings in case of distraint.

Exemptions from distress.

provisions, and household furniture kept for use, and apparel necessary for a family.

SEC. 29. *And be it further enacted*, That in all cases where the property liable to distraint for duties or taxes 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 duty or tax, costs, and charges, shall be paid to the owner of the property, or his, her, or their legal representatives; or if he, she, 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, her, or their legal representatives, until he, she, 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 duty or tax due thereon, with the costs and charges, the collector shall purchase the same in behalf of the United States for an amount not exceeding the said tax or duty, with the costs and charges thereon. And all property so purchased may be sold by said collector under such regulations as may be prescribed by the commissioner of internal revenue. And the collector shall render a distinct account of all charges incurred in the sale of such property to the commissioner of internal revenue, who shall, by regulation, determine the fees and costs to be allowed in cases of distraint and other seizures; and the said collector shall pay into the treasury the surplus, if any there be, after defraying the charges.

If property liable to distraint, is not divisible.

Collector to purchase property if, &c.

If personal property is insufficient, real estate may be sold.

Proceedings.
Notice.

SEC. 30. *And be it further enacted*, That in any case where goods, chattels, or effects sufficient to satisfy the duties imposed by this act upon any person liable to pay the same shall not be found by the collector or deputy collector whose duty it may be to collect the same, he is hereby authorized to collect the same by seizure and sale of real estate; and the officer making such seizure and sale shall give notice to the person whose estate is proposed to be sold, by giving him in hand, or leaving at his last and usual place of abode, if he has any such within the collection district where said estate is situated, a notice, in writing, stating what particular estate is proposed to be sold, describing the same with reasonable certainty, and the time when and place where said officer proposes to sell the same; which time shall not be less than twenty, nor more than forty, days from the time of giving said notice. And the said officer shall also cause a notification to the same effect to be published in some newspaper within the county where such seizure is made, if any such there be, and shall also cause a like notice to be posted up at the post-office nearest to the estate so seized, and in two other public places within the county. And the place of said sale shall not be more than five miles distant from the estate seized, except by special order of the commissioner of internal revenue. At the time and place appointed, the officer making such seizure shall proceed to sell the said estate at public auction, offering the same at a minimum price, including the amount of duties with the ten per centum additional thereon, the expense of making such levy and all charges for advertising, and an officer's fee of ten dollars. And if no person offers for said estate the amount of said minimum, the officer shall declare the same to be purchased by him for the United States, and shall deposit with the district attorney of the United States a deed thereof, as herein-after specified and provided; otherwise, the same shall be declared to be sold to the highest bidder. And said sale may be adjourned by said officer for a period not exceeding five days, if he shall think it advisable so to do. If the amount bid shall not be then and there paid, the officer shall forthwith proceed to again sell said estate in the same manner. If the amount bid shall be then and there paid, the officer shall give his

Sale at auction.

Adjournment of sale.

receipt therefor, if requested, and within five days thereafter he shall make out a deed of the estate so sold to the purchaser thereof, and execute the same in his official capacity, in the manner prescribed by the laws of the state in which said estate may be situated, in which said deed shall be recited the fact of said seizure and sale, with the cause thereof, the amount of duty for which said sale was made, and of all charges and fees, and the amount paid by the purchaser, and all his acts and doings in relation to said seizure and sale, and shall have the same ready for delivery to said purchaser, and shall deliver the same accordingly, upon request therefor. And said deed shall be prima facie evidence of the truth of the facts stated therein, and, if the proceedings of the officer as set forth have been substantially in pursuance of the provisions of this act, shall be considered and operate as a conveyance to the purchaser of the title to said estate, but shall not affect the rights of innocent parties acquired previously to the claim of the United States under this act. The surplus, if any, arising from such sale shall be disposed of as provided in this act for like cases arising upon sales of personal property. And any person whose estate may be seized for duties, as aforesaid, shall have the same right to pay or tender the amount due, with all proper charges thereon, prior to the sale thereof, and thereupon to relieve his said estate from sale as aforesaid, as is provided in this act for personal property similarly situated. And any collector or deputy collector may, for the collection of duties imposed upon any person, or for which any person may be liable by this act, and committed to him for collection, seize and sell the lands of such person situated in any other collection district within the state in which said officer resides; and his proceedings in relation thereto shall have the same effect as if the same were had in his proper collection district. And the owners, their heirs, executors, or administrators, or any person having an interest therein, or a lien thereon, or any person on their behalf, shall have liberty to redeem the land sold as aforesaid, within one year from and after recording the said deed, upon payment to the purchaser, or, in case he cannot be found in the county where the lands are situate, to the collector, for the use of the purchaser, his heirs or assigns, of the amount paid by the purchaser, with interest on the same at the rate of twenty per centum per annum. And it shall be the duty of every collector to keep a record of all sales of land made in his collection district, whether by himself or his deputies, in which shall be set forth the tax for which any such sale was made, the dates of seizure and sale, the name of the party assessed, and all proceedings in making said sale, the amount of fees and expenses, the name of the purchaser, and the date of the deed; which record shall be certified by the officer making the sale. And it shall be the duty of any deputy making sale, as aforesaid, to return a statement of all his proceedings to the collector, and to certify the record thereof. And in case of the death or removal of the collector, or the expiration of his term of office from any other cause, said record shall be deposited in the office of the clerk of the district court of the United States for the district within which the said collector resided; and a copy of every such record, certified by the collector, or by the clerk, as the case may require, shall be evidence in any court of the truth of the facts therein stated. And when any lands sold, as aforesaid, shall be redeemed as hereinbefore provided, the collector or clerk, as the case may be, shall make an entry of the fact upon the record aforesaid, and the said entry shall be evidence of such redemption. And the claim of the government to lands sold under and by virtue of the foregoing provisions shall be held to have accrued at the time of seizure thereof.

Deed.

Effect of deed.

Tender to stop sale.

Redemption.

Record of sales.

SEC. 31. *And be it further enacted*, That if any collector shall find, upon any list of taxes returned to him for collection, property lying within his district which is charged with any specific or ad valorem tax or duty, but which is not owned, occupied, or superintended by some person known to

Collection of taxes from non-residents.

Collection of
taxes from non-
residents.

such collector to reside, or to have some place of business, within the United States, and upon which the duty or tax has not been paid within the time required by law, such collector shall forthwith take such property into his custody, and shall advertise the same, and the tax charged upon the same, in some newspaper published in his district, if any shall be published therein, otherwise in some newspaper in an adjoining district, for the space of thirty days; and if the taxes thereon, with all charges for advertising, shall not be paid within said thirty days, such collector shall proceed to sell the same, or so much as is necessary, in the manner provided for the sale of other goods distrained for the non-payment of taxes, and out of the proceeds shall satisfy all taxes charged upon such property, with the costs of advertising and selling the same. And like proceedings to those provided in the preceding section for the purchase and resale of property which cannot be sold for the amount of duty or tax due thereon shall be had with regard to property sold under the provisions of this section. And any surplus arising from any sale herein provided for shall be paid into the treasury, for the benefit of the owner of the property. And the Secretary of the Treasury is authorized, in any case where money shall be paid into the treasury for the benefit of any owner of property sold as aforesaid, to repay the same, on proper proof being furnished that the person applying therefor is entitled to receive the same.

Collectors to
send lists to dis-
tricts where per-
sons reside.

SEC. 32. *And be it further enacted*, That whenever a collector shall have on any list duly returned to him the name of any person not within his collection district who is liable to tax, or of any person so liable to tax who shall have, in the collection district in which he resides, no sufficient property subject to seizure or distraint from which the money due for duties or tax can be collected, it shall and may be lawful for such collector to transmit a copy or statement containing the name of the person liable to such duty or tax as aforesaid, with the amount and nature thereof, duly certified under his hand, to the collector of any district to which said person shall have removed, or in which he shall have property, real or personal, liable to be seized and sold for duty or tax; and the collector of the district to whom the said certified copy or statement shall be transmitted shall proceed to collect the said duty or tax in the same way as if the name of the person and objects of tax contained in the certified copy or statement were on any list furnished to him by the assessor of his own collection district; and the said collector, upon receiving said certified copy or statement as aforesaid, shall transmit his receipt for it to the collector sending the same to him.

Collectors to
make returns and
pay over moneys
monthly.

SEC. 33. *And be it further enacted*, That the several collectors shall, at the expiration of each and every month after they shall, respectively, commence their collections, transmit to the commissioner of internal revenue a statement of the collections made by them, respectively, within the month, and pay over monthly, or at such time or times as may be required by the commissioner of internal revenue, the moneys by them respectively collected within the said term, and at such places as may be designated and required by the commissioner of internal revenue; and each of the said collectors shall complete the collection of all sums assigned to him for collection, as aforesaid, shall pay over the same into the treasury, and shall render his accounts to the treasury department as often as he may be required. And the Secretary of the Treasury is authorized to designate one or more depositories in each state, for the deposit and safe-keeping of the moneys collected by virtue of this act; and the receipt of the proper officer of such depository to a collector for the money deposited by him shall be a sufficient voucher for such collector in the settlement of his accounts at the treasury department. And the commissioner of internal revenue may, under the direction of the Secretary of the Treasury, prescribe such regulations with reference to such deposits as he may deem necessary.

Deposits.

SEC. 34. *And be it further enacted*, That each collector shall be charged with the whole amount of taxes, whether contained in lists delivered to him by the assessors, respectively, or delivered or transmitted to him by assistant assessors from time to time, or by other collectors, and with the additions thereto, with the par value of all stamps deposited with him, and with all moneys collected for passports, penalties, forfeitures, fees, or costs, and he shall be credited with all payments made as provided by law, with all stamps returned by him uncanceled to the treasury, with the salary, fees, commissions, and charges allowed by law, and with the amount of duties or taxes contained in the lists transmitted in the manner above provided to other collectors, and by them received as aforesaid; and also with the amount of the duties or taxes of such persons as may have absconded, or become insolvent, prior to the day when the duty or tax ought, according to the provisions of this act, to have been collected: *Provided*, That it shall be proved to the satisfaction of the commissioner of internal revenue that due diligence was used by the collector, and that no property was left from which the duty or tax could have been recovered, who shall certify the facts to the first comptroller of the treasury. And each collector shall also be credited with the amount of all property purchased by him for the use of the United States, provided he shall faithfully account for and pay over the proceeds thereof upon a resale of the same as required by this act.

Collectors
to be charged
with amount in
tax-lists;

to be credited
with what.

Proviso.

SEC. 35. *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 evidence of such delinquency, to report the same to the solicitor of the treasury, who shall issue a warrant of distress against such delinquent collector, directed to the marshal of the district, therein expressing the amount with which the said collector is chargeable, and the sums, if any, which have been paid over by him, so far as the same are ascertainable. And the said marshal shall, himself, or by his deputy, immediately proceed to levy and collect the sum which may remain due, with five per centum thereon, and all the expenses and charges of collection, by distress and sale of the goods and chattels, or any personal effects of the delinquent collector, giving at least five days' notice of the time and place of sale, in the manner provided by law for advertising sales of personal property on execution in the state wherein such collector resides. And the bill of sale of the officer of any goods, chattels, or other personal property, distrained and sold as aforesaid, shall be conclusive evidence of title to the purchaser, and prima facie evidence of the right of the officer to make such sale, and of the correctness of his proceedings in selling the same. And for want of goods and chattels, or other personal effects of such collector, sufficient to satisfy any warrant of distress, issued pursuant to the preceding section of this act, the lands and real estate of such collector, 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, shall be sold at public auction by the marshal or his deputy, who, upon such sale, shall, as such marshal or deputy marshal, make and deliver to the purchaser of the premises so sold a deed of conveyance thereof, to be executed and acknowledged in the manner and form prescribed by the laws of the state in which said lands are situated, which said deed so made shall invest the purchaser with all the title and interest of the defendant or defendants named in said warrant, existing at the time of the seizure thereof. 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.

Dues from de-
linquent collector
to be collected by
distrain and
sale.

Penalty upon collectors, &c., for extortion, &c.

SEC. 36. *And be it further enacted*, That each and every collector, or his deputy, who shall be guilty of any extortion or wilful oppression, under color of law, or shall knowingly demand other or greater sums than shall be authorized by law, or shall receive any fee, compensation, or reward, except as herein prescribed, for the performance of any duty, or shall wilfully neglect to perform any of the duties enjoined by this act, shall, upon conviction, be subject to a fine of not exceeding one thousand dollars, or to be imprisoned for not exceeding one year, or both, at the discretion of the court, and be dismissed from office, and be forever thereafter incapable of holding any office under the government; and one half of the fine so imposed shall be for the use of the United States, and the other half for the use of the informer, who shall be ascertained by the judgment of the court; and the said court shall also render judgment against said collector or deputy collector for the amount of damages accruing to the party injured, to be collected by execution. And each and every collector, or his deputies, shall give receipts for all sums by them collected.

Collectors, assessors, &c., may enter places, &c.

SEC. 37. *And be it further enacted*, That a collector or deputy collector, assessor, assistant assessor, revenue agent, or inspector, shall be authorized to enter, in the daytime, any brewery, distillery, manufactory, building, or place where any property, articles, or objects, subject to duty or taxation under the provisions of this act, are made, produced, or kept, within his district, so far as it may be necessary for the purpose of examining said property, articles, or objects, or inspecting the accounts required by this act from time to time to be made or kept by any manufacturer or producer, relating to such property, articles, or objects. And every owner of such brewery, distillery, manufactory, building, or place, or persons having the agency or superintendence of the same, who shall refuse to admit such officer, or to suffer him to examine said property, articles, or objects, or to inspect said accounts, shall, for every such refusal, forfeit and pay the sum of five hundred dollars: *Provided, however*, That when such premises shall be open at night, such officers may enter while so open in the performance of their official duties.

Penalty on owner, &c., for refusal to admit, &c.;

for obstructing assessors, &c., in the discharge of their duty.

SEC. 38. *And be it further enacted*, That if any person shall forcibly obstruct or hinder any assessor or assistant assessor, or any collector or deputy collector, revenue agent or inspector, in the execution of this act, or of any power and authority hereby vested in him, or shall forcibly rescue, or cause to be rescued, any property, articles, or objects, after the same shall have been seized by him, or shall attempt or endeavor so to do, the person so offending shall, upon conviction thereof, for every such offence, forfeit and pay the sum of five hundred dollars, or double the value of property so rescued, or be imprisoned for a term not exceeding two years, at the discretion of the court: *Provided*, That if any such officer shall divulge to any party, or make known in any manner other than is provided in this act, the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of official duties, he shall be subject to the penalties prescribed in section *thirty-five* [thirty-six] of this act.

Post, p. 471.

Deputy collector may act as collector when, &c.

SEC. 39. *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 one of his deputies; and for the official acts and defaults of such deputy the collector and his sureties shall be held responsible to the United States.

If collector dies, &c., deputies to act.

SEC. 40. *And be it further enacted*, That in case a collector shall die, resign, or be removed, the deputies of such collector shall continue to act until his successor is appointed; and the deputy of such collector longest in service at the time immediately preceding shall, until a successor shall be appointed, discharge all the duties of said collector; and for the official

acts and defaults of such deputy a remedy shall be had on the official bond of the collector, as in other cases; and of two or more deputy collectors, appointed on the same day, the one residing nearest the residence of the collector at the time of his death, resignation, or removal, shall discharge the said duties until the appointment of a successor. And any bond or security taken from a deputy by such collector, pursuant to this act, shall be available to his legal representatives and sureties to indemnify them for loss or damage accruing from any act of the deputy so continuing or succeeding to the duties of such collector.

[Proviso. Post, p. 471.]

SEC. 41. *And be it further enacted,* That it shall be the duty of the collectors aforesaid, or their deputies, in their respective districts, and they are hereby authorized, to collect all the duties and taxes imposed by this act, however the same may be designated, and to prosecute for the recovery of any sum or sums which may be forfeited by virtue of this act; and all fines, penalties, and forfeitures which may be incurred or imposed by virtue of this act shall be sued for and recovered, in the name of the United States, in any proper form of action, or by any appropriate form of proceeding, qui tam, or otherwise, before any circuit or district court of the United States for the district within which said fine, penalty, or forfeiture may have been incurred, or before any other court of competent jurisdiction; and where not otherwise and differently provided for, one moiety thereof shall be to the use of the United States, and the other moiety thereof to the use of the person, to be ascertained by the judgment of the court, who shall first inform of the cause, matter, or thing whereby any such fine, penalty, or forfeiture was incurred: *Provided,* That in case of any suit brought upon information received from any person, other than a collector, deputy collector, assessor, assistant assessor, or inspector, of internal revenue, the United States shall not be subject to any costs of suit, nor shall the fees of any attorney or counsel employed by any such officer be allowed in the settlement of his account unless the employment of such attorney or counsel shall be authorized by the commissioner of internal revenue, either express or by general regulations.

Collectors to collect duties and fines and forfeitures.

United States not liable for certain costs.

SEC. 42. *And be it further enacted,* That if any person, in any case, matter, hearing, or other proceeding in which an oath or affirmation shall be required to be taken or administered under and by virtue of this act, shall, upon the taking of such oath or affirmation, knowingly and wilfully swear or affirm falsely, every person so offending shall be deemed guilty of perjury, and shall, on conviction thereof, be subject to the like punishment and penalties now provided by the laws of the United States for the crime of perjury.

False swearing under this act to be perjury, and so punished.

SEC. 43. *And be it further enacted,* That separate accounts shall be kept at the treasury of all moneys received from internal duties or taxes in each of the respective states, territories, and collection districts; and that separate accounts shall be kept of the amount of each species of duty or tax that shall accrue, so as to exhibit, as far as may be, the amount collected from each source of revenue, with the moneys paid as compensation and for allowances to the collectors and deputy collectors, assessors and assistant assessors, inspectors, and other officers employed in each of the respective states, territories, and collection districts, an abstract in tabular form of which accounts it shall be the duty of the Secretary of the Treasury, annually, in the month of December, to lay before congress.

Separate accounts to be kept of duties received from each state, &c.

Abstract for congress.

SEC. 44. *And be it further enacted,* That the commissioner of internal revenue, subject to regulations prescribed by the Secretary of the Treasury, shall be, and is hereby, authorized, on appeal to him made, to remit, refund, and pay back all duties erroneously or illegally assessed or collected, and all duties that shall appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected, and also repay to collectors or deputy collectors the full amount of such sums of money as shall or may be recovered against them or any of them *them* in any court,

Commissioner may remit erroneous assessments and fines, compromise suits, &c.

for any internal duties or licenses collected by them, with the costs and expenses of suit, and all damages and costs recovered against assessors, assistant assessors, collectors, deputy collectors, and inspectors, in any suit which shall be brought against them or any of them by reason of anything that shall or may be done in the due performance of their official duties, and also compromise such suits and all others relating to internal revenue. And all judgments and moneys recovered or received for taxes, costs, forfeitures, and penalties shall be paid to the collector as internal duties are required to be paid; and all sums of money which the commissioner is authorized to pay by virtue of this section shall be paid by drafts drawn on collectors of internal revenue.

Bill of sale of chattels sold by distraint, &c., to be evidence of what.

SEC. 45. *And be it further enacted*, That in all cases of distraint and sale of goods or chattels for non-payment of taxes, duties, or licenses, as provided for, the bill of sale of such goods or chattels given by the officer making such sale, to the purchaser thereof, shall be prima facie evidence of the right of the officer to make such sale, and conclusive evidence of the regularity of his proceedings in selling the same.

Proceedings in states where laws cannot now be executed.

SEC. 46. *And be it further enacted*, That if, for any cause, at any time after this act goes into operation, the laws of the United States cannot be executed in a state or territory of the United States, or any part thereof, or within the District of Columbia, 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 part thereof, or District of Columbia, so soon as the authority of the United States therein shall be reëstablished, and to collect the taxes, duties, and licenses, in such states and territories under the regulations prescribed in this act, so far as applicable; and where not applicable, the assessment and levy shall be made, and the time and manner of collection regulated, by the instructions and directions of the commissioner of internal revenue, under the direction of the Secretary of the Treasury.

Officers under this act to collect direct tax.

SEC. 47. *And be it further enacted*, That the officers who may be appointed under this act, except within those districts within any state or territory which have been or may be otherwise especially provided for by law, shall be, and hereby are, authorized, in all cases where the payment of such tax shall not have been assumed by the state, to perform all the duties relating to or regarding the assessment and collection of any direct tax imposed, or which may be imposed by law.

Certain goods, &c., designed to be sold, &c., in fraud of the revenue, to be forfeited, &c.

SEC. 48. *And be it further enacted*, That all goods, wares, merchandise, articles or objects on which duties are imposed by the provisions of law, which shall be found in the possession or custody, or within the control, of any person or persons, for the purpose of being sold or removed by such person or persons in fraud of the internal revenue laws, or with design to avoid payment of said duties, may be seized by any collector or deputy collector, who shall have reason to believe that the same are possessed, had, or held for the purpose or design aforesaid, and the same shall be forfeited to the United States; and also all articles of raw materials found in the possession of any person or persons intending to manufacture the same for the purpose of being sold by them in fraud of said laws, or with design to evade the payment of said duties, and also all tools, implements, instruments, and personal property whatsoever, in the place or building, or within any yard or enclosure where such articles on which duties are imposed, as aforesaid, and intended to be used by them in the fraudulent manufacture of such raw materials, shall be found, may also be seized by any collector or deputy collector, as aforesaid; and the same shall be forfeited as aforesaid; and the proceedings to enforce said forfeiture shall be in the nature of a proceeding in rem in the circuit or district court of the United States for the district where such seizure is made, or in any other court of competent jurisdiction. And any person who shall have in his custody or possession any such goods, wares, merchandise, articles or

Forfeiture, how enforced.

objects subject to duty as aforesaid, for the purpose of selling the same with the design of avoiding payment of the duties imposed thereon, shall be liable to a penalty of five hundred dollars, or not less than double the amount of duties fraudulently attempted to be evaded, to be recovered in any court of competent jurisdiction; and the goods, wares, merchandise, articles or objects which shall be so seized by any collector or deputy collector, may, at the option of the collector, during the pendency of such proceedings, be delivered to the marshal of said district, and remain in his care and custody and under his control until final judgment in such proceeding shall be rendered: *Provided, however,* That when the property so seized may be liable to perish or become greatly reduced in value by keeping, or when it cannot be kept without great expense, the owner thereof, the collector, or the marshal of the district, may apply to the assessor of the district to examine said property; and if, in the opinion of said assessor, it shall be necessary that the said property should be sold to prevent such waste or expense, he shall appraise the same; and the owner thereupon shall have said property returned to him upon giving bond in such form as may be prescribed by the commissioner of internal revenue, and in an amount equal to the appraised value, with such sureties as the said assessor shall deem good and sufficient, to abide the final order, decree, or judgment of the court having cognizance of the case, and to pay the amount of said appraised value to the collector, marshal, or otherwise, as he may be ordered and directed by the court, which bond shall be filed by said assessor with the commissioner of internal revenue. But if said owner shall neglect or refuse to give said bond, the assessor shall issue to the collector or marshal aforesaid an order to sell the same; and the said collector or marshal shall thereupon advertise and sell the said property at public auction in the same manner as goods may be sold on final execution in said district; and the proceeds of the sale, after deducting the reasonable costs of the seizure and sale, shall be paid to the court aforesaid, to abide its final order, decree, or judgment.

Penalty on person having such goods in his custody, &c.

Perishable articles.

SEC. 49. *And be it further enacted,* That all the provisions hereinafter made for the delivery of returns, lists, statements, and valuations, and for additions to the duty in case of false or fraudulent lists or returns, or in case of undervaluation or understatement on lists or returns, or in case of refusal or neglect to deliver lists or returns, and for the imposition of fines, penalties, and forfeitures, shall be held and taken to apply to all persons, associations, corporations, or companies liable to pay duty or tax; and any additions to duties, fines, penalties, or forfeitures hereinafter imposed for failure to perform any duty required to be performed, shall be held and taken to be additional to those hereinbefore provided.

Subsequent provisions of this act to apply to what.

SEC. 50. *And be it further enacted,* That the provisions of the act entitled "An act further to provide for the collection of duties on imports," approved March second, one thousand eight hundred and thirty-three, now in force, shall be taken and deemed as extending to and embracing all cases arising under the laws for the collection of internal duties, stamp duties, licenses, or taxes, which have been, or may be hereafter, enacted; and all persons duly authorized to assess, receive, or collect such duties or taxes under such laws are hereby declared to be, and to have been, revenue officers within the true intent and meaning of the said act, and entitled to all the exemptions, immunities, benefits, rights, and privileges therein enumerated or conferred.

Act of 1833, ch. 57, to embrace what. Vol. iv. p. 632.

Revenue officers.

SEC. 51. *And be it further enacted,* That the provisions of the sixteenth section of the act approved August sixth, eighteen hundred and forty-six, entitled "An act to provide for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," are hereby applied to, and shall be construed to include, all officers of the internal revenue, charged with the safe-keeping, transfer, or disbursement of the public moneys arising therefrom, and to all other per-

Act of 1846, ch. 90, § 16, to apply to persons having public moneys under this act. Vol. ix. p. 63.

sons having actual charge, custody, or control of moneys or accounts arising from the administration of the internal revenue.

Assessors, &c.,
may administer
oaths, &c.

Post, p. 471.

SEC. 52. [*And be it further enacted,*] That all assessors and their assistants, all collectors and their deputies, and all inspectors, are hereby authorized to administer oaths and take evidence touching any part of the administration of this law with which they are respectively charged, and where such oaths and evidence are by law authorized to be taken; and any perjury therein shall be punished in the like manner, and to the same degree, as in the case of perjury committed in proceedings in the courts of the United States.

Spirits, ale,
beer and porter.

Post, p. 471.

SPIRITS, ALE, BEER, AND PORTER.

Applicant for
license as distiller
to give bond.

Conditions of
bond.

SEC. 53. *And be it further enacted,* That any person required by law to be licensed as a distiller, shall, in addition to what is required by other provisions of law, make an application therefor to the assessor of the district, and before the same is issued the person so applying shall give bond to the United States, in such sum as shall be required by the collector, and with one or more sureties, to be approved by said collector, conditioned that in case any additional still or stills, or other implements to be used as aforesaid, shall be erected by him, his agent or superintendent, he will, before using, or causing, or permitting the same to be used, report in writing to the said assessor the capacity thereof, and information from time to time of any change in the form, capacity, ownership, agency, or superintendence, which all or either of the said stills or other implements may undergo, and that he will from day to day enter, or cause to be entered, in a book to be kept for that purpose, the number of gallons of spirits that may be distilled by said still or stills, or other implements, and also of the quantities of grain or other vegetable productions, or other substances put into the mash-tub, or otherwise used by him, his agent or superintendent, for the purpose of producing spirits; and said book shall be open at all times during the day (Sundays excepted) to the inspection of the said assessor, assistant assessor, collector, deputy collector, or inspector, who may make any memorandums or transcripts therefrom; and also that he will render to the said assessor or assistant assessor, on the first, eleventh, and twenty-first days of each and every month, or within five days thereafter, during the continuance of said license, an exact account in writing, of the number of gallons of spirits distilled, and also of the number of gallons placed in warehouse and the number sold or removed for consumption or sale by him, his agent or superintendent, and the proof thereof, and also of the quantities of grain or other vegetable productions, or other substances, put into the mash-tub, or otherwise used by him, his agent or superintendent, for the purpose of producing spirits, for the period or fractional part of a month then next preceding the date of said report, which said report shall be verified by affidavit in the manner prescribed by law; that he will not sell or permit to be sold, or removed for consumption or sale, any spirits distilled by him under and by virtue of his said license, until the same shall have been inspected, gauged, and proved, and the quantity thereof duly entered upon his books as aforesaid; and that he will, at the time of rendering said account, pay to the said collector, or his deputy, the duties which by law are imposed on the spirits so distilled. And the said bond may be renewed or changed from time to time, in regard to the amount and sureties thereof, according to the discretion of the collector.

Application to
state what.

Post, p. 471.

SEC. 54. *And be it further enacted,* That the application in writing made by any person for a license for distilling as aforesaid, shall state the place of distilling, the number and capacity of the still or stills, boiler or boilers, and the name of the person, firm, company, or corporation using the same; and any person making a false statement in either

of the said particulars shall forfeit and pay the sum of one hundred dollars, to be recovered with costs of suit.

Penalty for false statement.

SEC. 55. *And be it further enacted*, That in addition to the duties payable for licenses herein provided, there shall be levied, collected, and paid on all spirits that may be distilled and sold, or distilled and removed for consumption or sale, of first proof, on and after the first day of July, eighteen hundred and sixty-four, and prior to the first day of February, eighteen hundred and sixty-five, a duty of one dollar and fifty cents on each and every gallon; and on and after February first, eighteen hundred and sixty-five, a duty of two dollars on each and every gallon. And all spirits which may be in the possession of the distiller, or in public store or bonded warehouse, on either the first day of July or February aforesaid, no duty having been paid thereon, shall be held and treated as if distilled on those days respectively, and said duty shall be paid by the owner, agent, or superintendent of the still or other vessel in which the said spirits shall have been distilled, within five days after the time of rendering the accounts of spirits so chargeable with duty, required to be rendered by law. And the said duties shall be a lien on the distillery used for distilling the same, with the stills, vessels, fixtures, and tools therein, and on the lot or tract of land whereon the said distillery is situated, until the said duty shall be paid: *Provided*, That the duty on all spirits shall be collected at no lower rate than the basis of first proof, and shall be increased in proportion for any greater strength than the strength of first proof: *Provided, further*, That any person who shall distil spirits and use the same in the manufacture of any other article, without having taken out a license and paid such duties as are prescribed by law in relation thereto, shall, in addition to all other penalties and forfeitures, be liable to pay one hundred per centum additional duties thereon.

Duties on spirits in addition to licenses.

[February changed to January. *Post*, p. 420.]

Spirits in store, &c.

Duties to be a lien. *Post*, p. 472. Provisos.

Post, p. 472.

SEC. 56. *And be it further enacted*, That the term first proof used in this act and in the laws of the United States shall be construed, and is hereby declared to mean, that proof of a liquor which corresponds to fifty degrees of Tralle's centesimal hydrometer, adopted by regulation of the Treasury Department, of August twelfth, eighteen hundred and fifty, at the temperature of sixty degrees Fahrenheit's thermometer. And in levying duties on liquors above and below proof, the table contained in the manual for inspectors of spirits, prepared by Professor McCulloch, under the superintendency of Professor Bache, and adopted by the Treasury Department, shall be used and taken as giving the proportions of absolute alcohol in the liquids gauged and proved according to which duties shall be levied, until otherwise ordered by the Secretary of the Treasury, who is hereby authorized to adopt such hydrometers and prescribe such rules and regulations as he may deem necessary to insure a uniform system of inspection and gauging of spirits subject to duties throughout the United States.

"First proof" to mean what.

[Gallon to be what. *Post*, p. 472.]

SEC. 57. *And be it further enacted*, That every person who shall be the owner of any still, boiler, or other vessel, used, or intended to be used, for the purpose of distilling spirituous liquors, as hereinbefore provided, or who shall have such still, boiler, or other vessel under his superintendance, either as agent for the owner or on his own account; and every person who shall use any still, boiler, or other vessel, as aforesaid, either as owner, agent, or otherwise, shall, from day to day, make true and exact entry, or cause to be entered in a book to be kept for that purpose, the number of gallons of spirits distilled, and also the number of gallons placed in warehouse, and also the number sold, or removed for consumption or sale, and the proof thereof; which book shall always be open in the daytime, (Sundays excepted,) for the inspection of the said assessor, assistant assessor, collector, deputy collector, or inspector, who may take any minutes, memorandums, or transcripts thereof; and shall render to said assessor or assistant assessor, on the first, eleventh, and twenty-first

Distillers, &c., to keep exact accounts of spirits, &c., distilled, &c.

Distillers to render accounts three times a month.

days of each and every month in each year, or within five days thereafter, an account in duplicate, taken from his books, of the number of gallons of spirits distilled, and also the number of gallons sold, or removed for consumption or sale, and the proof thereof, not before accounted for; and shall also keep a book, or books, in a form to be prescribed by the commissioner of internal revenue, and to be open at all reasonable hours for inspection by the assessor, assistant assessor, collector, deputy collector, or inspector of the district, wherein shall be entered, from day to day, the quantities of grain, or other vegetable productions, or other substances put into the mash-tub by him, his agent or superintendent, for the purpose of producing spirits; and shall verify, or cause to be verified, the said entries, reports, books, and accounts, by oath or affirmation, to be taken before the assessor or assistant assessor, or other competent officer, according to the form required by law, and shall immediately forward to the collector of the district one of the said duplicate accounts, duly verified, as aforesaid; and shall also pay to the collector the duties on the spirits so distilled and sold, or removed for consumption or sale, and in said accounts mentioned at the time of rendering the duplicate account thereof: *Provided*, That distillers who distil or manufacture less than one hundred and fifty barrels of spirits per year may make returns and pay duties on the first day of each and every month in lieu of the first, eleventh, and twenty-first days of the month, and furnish bonds correspondingly, anything to the contrary notwithstanding: *And provided, further*, That brandy distilled from grapes shall pay a tax of twenty-five cents per gallon.

Proviso.

Brandy from grapes.
Post, p. 472.

Inspectors of spirits, coal-oil, tobacco, &c.

SEC. 58. *And be it further enacted*, That there shall be appointed by the Secretary of the Treasury, in every collection district where the same may be necessary, one or more inspectors of spirits, refined coal-oil or other oil, tobacco, cigars, and other articles, who shall take an oath faithfully to perform their duties, in such form as the commissioner of internal revenue shall prescribe, and who shall be entitled to receive such fees as may be fixed and prescribed by said commissioner, to be paid by the owner or manufacturer of the articles inspected, gauged, or proved. And any manufacturer of spirits, refined coal-oil, or other oil, tobacco, cigars, or other articles which may by law be required to be inspected, who shall refuse to admit an inspector upon his premises, so far as it may be necessary for the performance of his duties, or who shall obstruct an inspector in the performance of his duties, shall forfeit the sum of one hundred dollars, to be recovered in the manner provided for other penalties imposed by this act.

Penalty for obstructing.

Spirits distilled to be inspected and gauged.

SEC. 59. *And be it further enacted*, That all spirits, distilled as aforesaid by any person licensed as aforesaid, shall, before the same are used, or removed for any purpose, be inspected, gauged, and proved by some inspector appointed for the performance of such duties, who shall mark upon the cask or other package containing such spirits, in a manner to be prescribed by said commissioner, the quantity and proof of the contents of such cask or package, with the date of inspection and the name of the inspector, and shall make a return of all spirits so inspected, and the name of the distiller, to the collector, and a duplicate thereof to the assessor of the district; and the duty imposed by law shall be paid on all spirits so inspected and not removed forthwith to a bonded warehouse. And any person who shall attempt fraudulently to evade the payment of duties upon any spirits distilled as aforesaid, by changing in any manner the mark upon any such cask or package, shall forfeit the sum of one hundred dollars for each cask or package so altered or changed, to be recovered as hereinbefore provided. And any such inspector who shall knowingly put upon any such cask or package any false or fraudulent mark shall be liable to the same penalty hereinbefore provided for each cask or package so fraudulently marked. And any person who shall purchase or sell any empty cask with the inspection marks thereon, or who shall fraudulently

Post, p. 472.

Penalty for changing marks fraudulently.

Post, p. 472.

use any cask or package so marked, for the purpose of selling any other spirits than that so inspected, or for selling spirits of a quality or quantity different from that so inspected, shall be subject to a like penalty for each cask or package so purchased, sold, or used.

SEC. 60. *And be it further enacted,* That the owner or owners of any distillery or oil refinery, may provide, at his or their own expense, a warehouse, in conformity with such regulations as the Secretary of the Treasury may prescribe; and such warehouse, when approved by the collector, is hereby declared a bonded warehouse of the United States, and shall be used only for storing distilled spirits or refined coal-oil, or naphtha, and to be under the custody of the collector or his deputy. And the duty on the spirits, coal-oil, or naphtha stored in such warehouse shall be paid before it is removed from such warehouse, unless removed in pursuance of law.

Owners of distillery, &c., may provide warehouse, &c.

SEC. 61. *And be it further enacted,* That all distilled spirits, and all refined coal-oil and naphtha, upon which an excise duty is imposed by law, may, after being inspected, gauged, proved, and marked by the inspector according to the provisions of this act, be removed, without payment of the duty, under such rules and regulations, and upon the execution of such transportation bonds or other security as the Secretary of the Treasury may prescribe. The said spirits, oil, or naphtha so removed shall be transferred directly from the distillery or refinery to a bonded warehouse, established in conformity with law and treasury regulations, and may be transported from such warehouse to any one other bonded warehouse used for the storage of distilled spirits, coal-oil, or naphtha. And after the arrival of such distilled spirits, coal-oil, or naphtha, at the bonded warehouses within the district of the assessor to which it has been transferred, it shall be again inspected, and the duty shall be assessed and paid on any deficiency or reduction of the number of proof gallons beyond such allowance for leakage as may be established by the regulations of the commissioner of internal revenue, received at the warehouse, from the number of proof gallons as stated in the bond given at the place of shipment. And any distilled spirits, coal-oil, or naphtha in the public warehouses shall be subject to the same rules and regulations, and be chargeable with the same costs and expenses in all respects to which imported goods deposited in public store or bonded warehouse may be subject; and shall be in charge of a proper officer, to be designated by the Secretary of the Treasury, who, with the owner and proprietor of the warehouse, shall have the joint custody of all the distilled spirits, oil, or naphtha so stored in said warehouse, which shall be at the risk of the owner of the said spirits, oil, or naphtha. And all labor on the same shall be performed by the owner or proprietor of the warehouse, under the supervision of the officer in charge of the same, and at the expense of said owner or proprietor of the warehouse. And no drawback shall in any case be allowed on any distilled spirits, coal-oil, or naphtha, upon which an excise duty shall have been paid, either before or after it shall have been placed in a bonded warehouse: *Provided,* That any distilled spirits, coal-oil, or naphtha may be withdrawn from the bonded warehouse after payment, to the collector of internal revenue for the district in which the warehouse is situated, of the duty imposed by law, or may be removed without payment of the duty for the purpose of being exported, or for the purpose of being redistilled for export, after the quantity and proof of the spirits, oil, or naphtha to be removed has been ascertained and inspected according to the provisions of law, under such rules and regulations and the execution of such bond or other security as the Secretary of the Treasury may prescribe. And any spirits, oil, or naphtha so removed for distillation shall be returned to the warehouse and shall be again inspected, and the duty shall be paid to the said collector on any deficiency or reduction beyond the allowance for loss by redistillation

Spirits, oil, &c., after inspection, how may be removed without payment of duty.

Post, p. 472.

Drawback.

Post, p. 472.

Spirits, &c. may be withdrawn.

Post, p. 472.

established by the commissioner of internal revenue, in the number of proof gallons received at the warehouse for the purpose of being exported, as aforesaid. And nothing in this section shall be construed to prevent the manufacture for exportation, without payment of duty, of medicines, preparations, compositions, perfumery, cosmetics, cordials, and other liquors manufactured wholly or in part of domestic spirits, as provided for in this act.

Entries in distillers' books to be verified by oath.

SEC. 62. *And be it further enacted*, That the entries required to be made in the books of the distiller, as aforesaid, shall, on the first, eleventh, and twenty-first days of each and every month, or within five days thereafter, be verified by oath or affirmation of the person or persons by whom such entries shall have been made, which oath or affirmation shall be certified at the end of such entries by the assessor, or assistant assessor, or officer administering the same, and shall be, in substance, as follows: "I do swear (or affirm) that the foregoing entries were made by me on the respective days specified, and that they state, according to the best of my knowledge and belief, the whole quantity of spirituous liquors distilled and sold, or removed for consumption or sale, at the distillery owned by ———, in the county of ———, amounting to ——— gallons, according to proof prescribed by the laws of the United States."

Oath where entries are not personally made.

SEC. 63. *And be it further enacted*, That the owner, agent, or superintendent aforesaid, shall, in case the original entries required to be made in his books by this act shall not have been made by himself, subjoin to the oath or affirmation of the person by whom they were made the following oath or affirmation, to be taken as aforesaid: "I do swear (or affirm) that, to the best of my knowledge and belief, the foregoing entries are just and true, and that I have taken all the means in my power to make them so."

Duty on beer, ale, and porter.

SEC. 64. *And be it further enacted*, That there shall be paid on all beer, lager beer, ale, porter, and other similar fermented liquors, by whatever name such liquors may be called, a duty of one dollar for each and every barrel containing not more than thirty-one gallons, and at a like rate for any other quantity, or for fractional parts of a barrel, which shall be brewed or manufactured and sold, or removed for consumption or sale, within the United States or the territories thereof, or within the District of Columbia; which duty shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors shall be made, and shall be paid at the time of rendering the accounts of such fermented liquors so chargeable with duty, as hereinafter required: *Provided*, That fractional parts of a barrel shall be halves, thirds, quarters, sixths, eighths, and sixteenths; and any fractional part containing less than one sixteenth shall be accounted one sixteenth; more than one sixteenth, and not more than one eighth, shall be accounted one eighth; more than one eighth, and not more than one sixth, shall be accounted one sixth; more than one sixth, and not more than one quarter, shall be accounted one quarter; more than one quarter, and not more than one third, shall be accounted one third; more than one third, and not more than one half, shall be accounted one half; more than one half shall be accounted one barrel: *Provided, further*, That beer, lager beer, ale, porter, and other fermented liquors in bottles, shall be assessed, according to the quantity contained therein, at the rate of one dollar for thirty-one gallons, when the duty has not been previously paid on the liquors contained therein.

Fractional parts of a barrel.

Proviso.

Owners of breweries to make entries in books.

SEC. 65. *And be it further enacted*, That every person owning or occupying any brewery or premises used or intended to be used for the purpose of brewing or making such fermented liquors, or who shall have such premises under his control or superintendence as agent for the owner or occupant, or shall have in his possession or custody any vessel or vessels intended to be used on said premises in the manufacture of beer, lager

beer, ale, porter, or other similar fermented liquors, either as owner, agent, or otherwise, shall, from day to day, enter, or cause to be entered, in a book to be kept by him for that purpose, and which shall be open at all times, (except Sundays,) between the rising and setting of the sun, for the inspection of said assessor, assistant assessor, collector, deputy collector, or inspector, who may take any minutes or memorandums or transcripts thereof, the quantity, packages, or number of barrels and fractional parts of barrels of fermented liquors made, and also the quantity sold, or removed for consumption or sale, keeping separate account of the several kinds and descriptions; and shall render to said assessor or assistant assessor, on the first day of each month in each year, or within ten days thereafter, a general account in writing, taken from his books, of the quantity or number of barrels and fractional parts of barrels of each kind of fermented liquors made, and also of the quantity sold, or removed for consumption or sale, for one month preceding said day; and shall verify, or cause to be verified, the said entries, reports, books, and general accounts, and the facts therein set forth, on oath or affirmation, to be taken before the assessor or assistant assessor, or other competent officer, according to the form required by law; and shall immediately forward to the collector of the district one of the said duplicate accounts, duly certified by the assessor or assistant assessor, and shall also pay to the said collector the duties which are imposed by law on the liquors made and sold, or removed for consumption or sale, and in the said accounts mentioned, at the time of rendering the duplicate account thereof as aforesaid. But where the manufacturer of any beer, lager beer, or ale, manufactures the same in one collection district, and owns or occupies a depot or warehouse for the storage and sale of such beer, lager beer, or ale in another collection district, he may, instead of paying to the collector of the district where the same was manufactured the duties chargeable thereon, present to such assessor or assistant assessor an invoice of the quantity or number of barrels about to be removed for the purpose of storage and sale, specifying in such invoice the depot or warehouse in which he intends to place such beer, lager beer, or ale; and thereupon such assessor or assistant assessor shall indorse on such invoice his permission for such removal, and the assessor or assistant assessor shall, at the same time, transmit to the collector of the district in which such depot or warehouse is situated a duplicate of such invoice; and thereafter the manufacturer of the beer, lager beer, or ale so removed shall render the same account, and pay the same duties, and be subject to the same liabilities and penalties as if the beer, lager beer, or ale had been manufactured in the district to which the same has been removed. The commissioner of internal revenue may prescribe such rules as he may deem necessary for the purpose of carrying the provisions of this section into effect.

Owners of
breweries to
render ac-
counts monthly.

and pay duties
monthly.

If manufactory
is in one district
and warehouse in
another.

SEC. 66. *And be it further enacted*, That the entries made in the books required to be kept by the foregoing section shall, on said first day of each and every month, or within ten days thereafter, be verified by the oath or affirmation of the person or persons by whom such entries shall have been made, which oath or affirmation shall be certified at the end of such entries by the assessor or assistant assessor, or other competent officer administering the same, and shall be, in substance, as follows: "I do swear (or affirm) that the foregoing entries were made by me on the respective days specified, and that they state, according to the best of my knowledge and belief, the whole quantity of fermented liquors either brewed, or brewed and sold at the brewery owned by ———, in the county of ———, amounting to ——— barrels."

Entries to be
verified by oath.

SEC. 67. *And be it further enacted*, That the owner, agent, or superintendent aforesaid, shall, in case the original entries required to be made in his books shall not have been made by himself, subjoin to the oath or affirmation the following oath or affirmation, to be taken as aforesaid: "I

Oath where
entries are not
personally made.

do swear (or affirm) that, to the best of my knowledge and belief, the foregoing entries are just and true, and that I have taken all the means in my power to make them so."

Penalty for refusal or neglect to make entries and reports.

SEC. 68. *And be it further enacted*, That the owner, agent, or superintendent of any vessel or vessels used in making fermented liquors, or of any still, boiler, or other vessel used in the distillation of spirits on which duty is payable, who shall neglect or refuse to make true and exact entry and report of the same, or to do, or cause to be done, any of the things by law required to be done as aforesaid, shall forfeit for every such neglect or refusal all the liquors and spirits made by or for him, and all the vessels used in making the same, and the stills, boilers, and other vessels used in distillation, together with the sum of five hundred dollars, to be recovered with costs of suits; which said liquors or spirits, with the vessels containing the same, with all the vessels used in making the same, may be seized by any collector or deputy collector of internal duties, and held by him until a decision shall be had thereon according to law: *Provided*, That such seizure be made within thirty days after the cause for the same shall have come to the knowledge of the collector or deputy collector, and that proceedings to enforce said forfeiture shall have [been] commenced by such collector within twenty days after the seizure thereof. And the proceedings to enforce said forfeiture of said property shall be in the nature of a proceeding in rem, in the circuit or district court of the United States for the district where such seizure is made, or in any other court of competent jurisdiction.

Post, p. 472.

Provisos.

Post, p. 472.

Ten per cent. to be added when duties are not paid in time, &c.

SEC. 69. *And be it further enacted*, That in all cases in which the duties aforesaid, payable on spirits distilled and sold, or removed for consumption or sale, or beer, lager beer, ale, porter, and other similar fermented liquors, shall not be paid at the time of rendering the account of the same, or at the time when they shall have become payable, as herein required, to the collector or deputy collector of the district, the person or persons chargeable therewith shall pay, in addition, ten per centum on the amount thereof; and, until such duties, with such addition, shall be paid, they shall be and remain a lien upon the distillery where such liquors have been distilled, and upon the brewery where such liquors have been brewed, and upon the stills, boilers, vats, and all other implements thereto belonging, and upon the lot or tract of land whereon the distillery or brewery is situate, until the same shall have been paid. And in case of refusal or neglect to pay said duties, with the addition, within ten days after the same shall have become payable, the amount thereof may be recovered by distraint and sale of the goods, chattels, and effects of the delinquent.

Duties until paid, to be a lien, &c.

Penalty for not furnishing account, &c.

SEC. 70. *And be it further enacted*, That every person licensed as aforesaid to distil spirits, or licensed as a brewer, who shall neglect or refuse to furnish the account and duplicate thereof, as hereinbefore provided, or who shall refuse to permit the said assessor, assistant assessor, collector or deputy collector, or inspector to examine the books in the manner provided for, when requested, shall, for every such refusal or neglect, forfeit the sum of three hundred dollars.

Licenses.

LICENSES.

Certain persons not to engage in business unless licensed.

SEC. 71. *And be it further enacted*, That no person, firm, company, or corporation shall be engaged in, prosecute, or carry on any trade, business, or profession, hereinafter mentioned and described, until he or they shall have obtained a license therefor in the manner hereinafter provided.

Persons, &c., to register names, &c., with assessors.

SEC. 72. *And be it further enacted*, That every person, firm, company, or corporation required by this act to obtain a license to engage in any trade, business, or profession, for which a license is required by law, shall register with the assistant assessor of the assessment district, in which he shall design to carry on such trade, business, or profession, first, his or their name or style, and in case of a firm or company, the names of the several

persons constituting such firm or company, and their places of residence ; second, the trade, business, or profession for which a license is desired ; third, the place where such trade, business, or profession is to be carried on ; fourth, if a rectifier, the number of barrels he designs to rectify ; if a peddler, whether he designs to travel on foot, or with one, two, or more horses ; if an innkeeper, the yearly rental value of the house and property to be occupied for said purpose ; if not rented, the assistant assessor shall value the same. All of which facts shall be returned duly certified by such assistant assessor, both to the assessor and collector of the district ; and thereupon, upon payment to the collector or deputy collector of the district the amount as hereinafter provided, such collector or deputy collector shall make out and deliver a license for such trade, business, or profession.

Names to be registered for licenses.

SEC. 73. *And be it further enacted,* That if any person or persons shall exercise or carry on any trade, business, or profession, or do any act hereinafter mentioned, for the exercising, carrying on, or doing of which trade, business, or profession, a license is required by this act, without taking out such license as in that behalf required, he, she, or they shall, for every such offence, besides being liable to the payment of the tax, be subject to imprisonment for a term not exceeding two years, or a fine not exceeding five hundred dollars, or both, one moiety of such fine to the use of the United States, the other moiety to the use of the person who shall first give information of the fact whereby said forfeiture was incurred.

Penalty for carrying on trade without a license.

SEC. 74. *And be it further enacted,* That in every license to be taken out under or by authority of this act, shall be contained and set forth the purpose, trade, business, or profession for which such license is granted, and the name and place of abode of the person or persons taking out the same ; if for a rectifier, the quantity of spirits authorized to be rectified ; if by a peddler, whether authorized to travel on foot, or with *or* [one,] or two, or more horses, the time for which such license is to run, and the date or time of granting such license, and (except in the case of auctioneers and peddlers) the place at which the trade, business, or profession for which such license is granted shall be carried on : *Provided,* That a license granted under this act shall not authorize the person or persons, (except lawyers, physicians, surgeons, dentists, cattle brokers, horse-dealers, and auctioneers,) or firm, company, or corporation mentioned therein, to exercise or carry on the trade, business, or profession specified in such license in any other place than that mentioned therein, or otherwise provided ; but nothing herein contained shall prohibit the storage of goods, wares, or merchandise in other places than the place of business, nor the sale by manufacturers or producers of their own goods, wares, and merchandise, at the place of production or manufacture, or at their principal office or place of business, provided no goods, wares, and merchandise shall be kept for sale at such office. And every person exercising or carrying on any trade, business, or profession, or doing any act for which a license is required, shall, on demand of any officer of internal revenue, produce such license, and unless he shall do so, may be taken and deemed to have no license. And in case any peddler shall refuse to produce his or her license when demanded by any officer of internal revenue, said officer may seize the horse, wagon, and contents, or pack, bundle, or basket of any person so refusing, and hold the same until the license is produced. And all licenses granted after the first day of May in any year shall continue in force until the first day of May next succeeding, and shall be issued upon the payment of a ratable proportion of the whole amount of duty imposed for such license ; and each license so granted shall be dated on the first day of the month in which the liability therefor accrued.

License to state what ;

Post, p. 472.

to authorize what ;

Post, p. 472.
to continue in force how long.

SEC. 75. *And be it further enacted,* That upon the death of any person or persons licensed under or by virtue of this act, or upon the removal of any person or persons from the house or premises at which the trade,

Upon death or removal of

persons licensed, what may be done.

business, or profession mentioned in such license, was authorized, it may and shall be lawful for the collector to authorize, by indorsement on such license, or otherwise, as the commissioner of internal revenue shall direct, the person or persons so removing, as aforesaid, to any other place, to carry on the trade, business, or profession specified in such license, at the place to which such person may have removed, or the executors or administrators, or the wife or child of such deceased person, or the assignee or assigns of such person or persons so removing as aforesaid, who shall be possessed of and occupy the house or premises before used for such purpose as aforesaid, in like manner to exercise or carry on the same trade, business, or profession mentioned in such license, in or upon the same house or premises at which said person or persons, as aforesaid, deceased or removing as before mentioned, by virtue of such license before exercised or carried on such trade, business, or profession, for or during the residue of the term for which such license was originally granted, without taking out any fresh license for the residue of such term, until the expiration thereof: *Provided, always,* That a fresh entry of the premises at which such trade, business, or profession shall continue to be exercised or carried on, as aforesaid, shall thereupon be made by, and in the name or names of, the person or persons to whom such authority, as aforesaid, shall be granted.

Proviso.

If person has more than one employment, license must be taken for each.

Proviso.

SEC. 76. *And be it further enacted,* That in every case where more than one of the pursuits, employments, or occupations, hereinafter described, shall be pursued or carried on in the same place by the same person at the same time, except as therein mentioned, license must be taken out for each according to the rates severally prescribed: *Provided,* That in cities and towns having a less population than six thousand persons according to the last preceding census, one license, if so applied for, may embrace the business of land warrant brokers, claim agents, and real estate agents, upon payment of the highest fee for licenses applicable to either one of said pursuits.

Auctioneers not to sell goods at private sale.

SEC. 77. *And be it further enacted,* That no auctioneer shall be authorized, by virtue of his license as such auctioneer, to employ any other person to act as auctioneer in his behalf, except in his own store or warehouse, or in his presence, or by virtue of said license to sell any goods or other property at private sale; and any auctioneer who shall sell any goods or commodities, otherwise than by auction, without having taking out a license for that purpose, shall be subject and liable to the penalty imposed upon persons dealing in, or retailing, trading, or selling any such goods or commodities without license, notwithstanding any license granted, as aforesaid, for the purpose of exercising or carrying on the trade or business of an auctioneer; and where such goods or commodities are the property of any person or persons duly licensed to deal in, or retail, or trade in, or sell the same, such person or persons having made lawful entry of his, her, or their house or premises for such purpose, it shall and may be lawful for any person exercising or carrying on the trade or business of an auctioneer being duly licensed for that purpose, to sell such goods or commodities for and on behalf of such person or persons in said house or premises, without taking out a separate license for such sale. The provisions of this section shall not apply to judicial or executive officers making auction sales by virtue of any judgment or decree of any court, nor public sales made by executors and administrators.

Judicial sales, &c.

Licenses not to exempt from operation of state laws.

SEC. 78. *And be it further enacted,* That no license hereinbefore provided for shall, if granted, be held, or construed to exempt any person carrying on the trade, business, or profession specified in said license from any penalty or punishment provided by the laws of any state for carrying on such trade, business, or profession, within such state, or in any manner to authorize the commencement or continuance of such trade, business, or profession, contrary to the laws of such state, or in places

prohibited by municipal law; nor shall any such license be held or construed to prevent or prohibit any state from placing a duty or tax for state or other purposes on any trade, business, or profession, for which a license is required by this act; no[r] shall any person carrying on any trade, business, or profession, for which a license is required by this act, be exempted from procuring such license, or from any penalty or punishment herein provided, by, or in consequence of, any state law either authorizing or prohibiting such trade, business, or profession.

State laws not to exempt from procuring license.

SEC. 79. *And be it further enacted,* That there shall be paid annually for each license granted, the sum herein stated, respectively. Any number of persons, except lawyers, conveyancers, claim agents, physicians, surgeons, dentists, cattle brokers, horse-dealers, and peddlers, carrying on such business in copartnership, may transact such business at the place specified in their license, and not otherwise, that is to say:—

Sums for licenses.
Post, p. 472.
Copartners to pay but one license, except, &c.

One. Bankers, using or employing a capital not exceeding the sum of fifty thousand dollars, shall pay one hundred dollars for each license; when using or employing a capital exceeding fifty thousand dollars, for every additional thousand dollars in excess of fifty thousand dollars, two dollars. Every person, firm, or company, and every incorporated or other bank, having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or sale, shall be regarded a banker under this act: *Provided,* That any savings-bank having no capital stock, and whose business is confined to receiving deposits and loaning the same for the benefit of its depositors, and which does no other business of banking, shall not be liable to pay for a license as a banker.

Bankers.

Savings-banks need not have license.

Two. Wholesale dealers, whose annual sales do not exceed fifty thousand dollars, shall pay fifty dollars for each license; and if exceeding fifty thousand dollars, for every additional thousand dollars in excess of fifty thousand dollars, one dollar. Every person shall be regarded as a wholesale dealer under this act whose business it is to sell, or offer to sell, any goods, wares, or merchandise of foreign or domestic production, not including wines, spirits, or malt liquors, whose annual sales exceed twenty-five thousand dollars. And the license required by any wholesale dealer shall not be for a less amount than his sales for the previous year, unless he has made or proposes to make some change in his business that will, in the judgment of the assessor or assistant assessor, reduce the amount of his annual sales; nor shall any license as a wholesale dealer allow any such person to act as a commercial broker: *Provided,* That any license understated may and shall be again assessed, and that no person holding a license as a wholesale dealer in liquors shall be required to take an additional license on account of the sale of other goods, wares, or merchandise on the same premises.

Wholesale dealers.

Three. Retail dealers shall pay ten dollars for each license. Every person whose business or occupation it is to sell or offer for sale any goods, wares, or merchandise of foreign or domestic production, not including spirits, wines, ale, beer, or other malt liquors, and whose annual sales exceed one thousand, and do not exceed twenty-five thousand dollars, shall be regarded as a retail dealer under this act.

Retail dealers.

Four. Wholesale dealers in liquors, whose annual sales do not exceed fifty thousand dollars, shall pay fifty dollars for each license; and if exceeding fifty thousand dollars, for every additional one thousand dollars in excess of fifty thousand dollars, one dollar. Every person who shall sell, or offer for sale, any distilled spirits, fermented liquors, or wines of any kind, in quantities of more than three gallons at one time to the same purchaser, or whose annual sales, including sales of other

Wholesale dealers in liquors.

merchandise, shall exceed twenty-five thousand dollars, shall be regarded a wholesale dealer in liquors.

Retail dealers
in liquors.

Five. Retail dealers in liquors shall pay twenty-five dollars for each license. Every person who shall sell or offer for sale foreign or domestic spirits, wines, ale, beer, or other malt liquors in quantities of three gallons or less, or whose annual sales, including all sales of other merchandise, do not exceed twenty-five thousand dollars, shall be regarded as a retail dealer in liquors under this act. But nothing herein contained shall authorize the sale of any spirits, wines, or malt liquors to be drank on the premises.

Lottery-ticket
dealers.

Six. Lottery-ticket dealers shall pay one hundred dollars for each license. Every person, association, firm, or corporation who shall make, sell, or offer to sell lottery tickets, or fractional parts thereof, or any token, certificate, or device representing, or intended to represent, a lottery ticket, or any fractional part thereof, or any policy of numbers in any lottery, or shall manage any lottery or prepare schemes of lotteries, or superintend the drawing of any lottery, shall be deemed a lottery-ticket dealer under this act.

Post, p. 472.

Horse-dealers.

Seven. Horse-dealers shall pay for each license the sum of ten dollars. Any person whose business it is to buy or sell horses or mules shall be regarded a horse-dealer under this act: *Provided*, That one license having been paid, no additional license shall be required of any horse-dealer who keeps a livery-stable, nor of any livery-stable keeper who may also be a horse-dealer.

Proviso.

Livery-stable
keepers.

Eight. Livery-stable keepers shall pay ten dollars for each license. Any person whose business it is to keep horses for hire, or to let, or to keep, feed, or board horses for others, shall be regarded as a livery-stable keeper under this act.

Brokers.

Nine. Brokers shall pay fifty dollars for each license. Every person, firm, or company, except such as hold a license as a banker, whose business it is as a broker to negotiate purchases or sales of stocks, exchange, bullion, coined money, bank notes, promissory notes, or other securities, shall be regarded as a broker, under this act, and shall make oath or affirmation, according to the form to be prescribed by the commissioner of internal revenue, that all their transactions are made for a commission: *Provided*, That any person holding a license as a banker shall not be required to take out a license as a broker.

Post, p. 472.

Pawnbrokers.

Ten. Pawnbrokers, using or employing a capital of not exceeding fifty thousand dollars, shall pay fifty dollars for each license, and when using or employing a capital exceeding fifty thousand dollars, for every additional thousand dollars in excess of fifty thousand dollars, two dollars. Every person whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, for the repayment or security of money lent thereon, shall be deemed a pawnbroker under this act.

Land-warrant
brokers.

Eleven. Land-warrant brokers shall pay twenty-five dollars for each license. Any person shall be regarded as a land-warrant broker within the meaning of this act who makes a business of buying and selling land-warrants, or of furnishing them to settlers or other persons.

Cattle brokers.

Twelve. Cattle brokers, whose annual sales do not exceed ten thousand dollars, shall pay for each license the sum of ten dollars; and if exceeding the sum of ten thousand dollars, one dollar for each additional thousand dollars. Any person whose business it is to buy, or sell, or deal in cattle, hogs, or sheep, shall be considered as a cattle broker.

Produce bro-
kers.

Thirteen. Produce brokers, whose annual sales do not exceed the sum of ten thousand dollars, shall pay ten dollars for each license. Every person, other than one holding a license as a broker, wholesale or retail dealer, whose occupation it is to buy or sell agricultural or farm products

and whose annual sales do not exceed ten thousand dollars, shall be regarded as a produce broker under this act.

Fourteen. Commercial brokers shall pay twenty dollars for each license. Any person or firm, whose business it is, as a broker, to negotiate sales or purchases of goods, wares, produce, or merchandise, not otherwise provided for in this act, or seek orders therefor, in original or unbroken packages, or to negotiate freights and other business for the owners of vessels, or for the shippers or consignors or consignees of freight carried by vessels, shall be regarded a commercial broker under this act. Commercial brokers.

Fifteen. Custom-house brokers shall pay ten dollars for each license. Every person whose occupation it is, as the agent of others, to arrange entries and other custom-house papers, or transact business at any port of entry relating to the importation or exportation of goods, wares, or merchandise, shall be regarded a custom-house broker under this act. Custom-house brokers.

Sixteen. Distillers shall pay fifty dollars for each license. Every person, firm, or corporation who distils or manufactures spirits for sale shall be deemed a distiller under this act: *Provided*, That any person, firm, or corporation, distilling or manufacturing less than three hundred barrels per year shall pay twenty-five dollars for a license: *And provided, further*, That no license shall be required for any still, stills, or other apparatus used by druggists and chemists for the recovery of alcohol for pharmaceutical and chemical or scientific purposes which has been used in those processes: *And provided, further*, That distillers of apples, grapes, and peaches, distilling or manufacturing less than one hundred and fifty barrels per year from the same, shall pay twelve and one half dollars for a license for that purpose. Distillers.

Seventeen. Brewers shall pay fifty dollars for each license. Every person, firm, or corporation, who manufactures fermented liquors of any name or description, for sale, from malt, wholly or in part, or from any substitute therefor, shall be deemed a brewer under this act: *Provided*, That any person, firm, or corporation who manufactures less than five hundred barrels per year shall pay the sum of twenty-five dollars for a license. Brewers.

Eighteen. Rectifiers shall pay twenty-five dollars for each license to rectify any quantity of spirituous liquors, not exceeding five hundred barrels, packages, or casks, containing not more than forty gallons to each barrel, package, or cask of liquor so rectified; and twenty-five dollars additional for each additional five hundred such barrels, packages, or casks, or any fractional part thereof. Every person, firm, or corporation, who rectifies, purifies, or refines spirituous liquors or wines by any process, or mixes distilled spirits, whiskey, brandy, gin, or wine, with any materials for sale under the name of whiskey, rum, brandy, gin, wine, or any other name, shall be regarded as a rectifier under this act. Rectifiers.

Nineteen. Coal-oil distillers shall pay for each license the sum of fifty dollars. Any person, firm, or corporation, who shall refine, produce, or distil crude or refined petroleum or rock-oil, or crude coal-oil, or crude or refined oil made of asphaltum, shale, peat, or other bituminous substances, or shall manufacture coal illuminating oil, shall be regarded a coal-oil distiller under this act. Coal-oil distillers.

Twenty. Hotels, inns, and taverns shall be classified and rated according to the yearly rental, or, if not rented, according to the estimated yearly rental, of the house and property intended to be occupied for said purposes, as follows, to wit: All cases where the rent or valuation of the yearly rental of said house and property shall be two hundred dollars, or less, shall pay ten dollars. And if exceeding two hundred dollars, for any additional one hundred dollars or fractional part thereof in excess of two hundred dollars, five dollars. Every place where food and lodging are provided for and furnished to travellers and sojourners, in view of payment therefor, shall be regarded as a hotel, inn, or tavern under this Hotels, inns, and taverns.

- Proviso. act: *Provided*, That nothing herein contained shall be construed to exempt keepers of hotels, taverns, and eating-houses in which liquors are sold by retail, to be drank upon the premises, from taking out a license for such sale, for which license they shall pay a tax of twenty-five dollars. The yearly rental shall be fixed and established by the assessor of the proper district at its proper value, but if rented, at not less than the actual rent agreed on by the parties. All steamers and vessels, upon waters of the United States, on board of which passengers or travellers are provided with food or lodgings, shall be subject to, and required to pay, twenty-five dollars for each license: *Provided*, That if there be any fraud or collusion in the return of actual rent to the assessor, there shall be a penalty equal to double the amount of licenses required by this section, to be collected as other penalties under this act are collected.
- Proviso. Eating-houses. Twenty-one. Eating-houses shall pay ten dollars for each license. Every place where food or refreshments of any kind, not including spirits, wines, ale, beer, or other malt liquors, are provided for casual visitors and sold for consumption therein, shall be regarded as an eating-house under this act. But the keeper of an eating-house, having taken out a license therefor, shall not be required to take out a license as a confectioner, anything in this act to the contra[r] notwithstanding.
- Confectioners. Twenty-two. Confectioners shall pay ten dollars for each license. Every person who sells at retail confectionery, sweetmeats, comfits, or other confections, in any building, shall be regarded as a confectioner under this act. But wholesale and retail dealers, having taken out a license therefor, shall not be required to take out a license as confectioner, anything in this act to the contrary notwithstanding.
- Claim-agents, &c. Twenty-three. Claim-agents and agents for procuring patents shall pay ten dollars for each license. Every person whose business it is to prosecute claims in any of the executive departments of the federal government, or procure patents, shall be deemed a claim or patent agent, as the case may be, under this act.
- Patent-right dealers. Twenty-four. Patent-right dealers shall pay ten dollars for each license. Every person whose business it is to sell, or offer for sale, patent-rights shall be regarded a patent-right dealer under this act.
- Real-estate agents. Twenty-five. Real-estate agents shall pay ten dollars for each license. Every person whose business it is to sell, or offer for sale, real estate for others, or to rent houses, stores, or other buildings or real estate, or to collect rent for others, shall be regarded as a real-estate agent under this act.
- Conveyancers. Twenty-six. Conveyancers shall pay ten dollars for each license. Every person, other than one holding a license as a lawyer or claim-agent, whose business it is to draw deeds, bonds, mortgages, wills, writs, or other legal papers, or to examine titles to real estate, shall be regarded a conveyancer under this act.
- Intelligence-office keepers. Twenty-seven. Intelligence-office keepers shall pay ten dollars for each license. Every person whose business it is to find or furnish places of employment for others, or to find or furnish servants upon application in writing or otherwise, receiving compensation therefor, shall be regarded as an intelligence-office keeper under this act.
- Insurance agents. Twenty-eight. Insurance agents shall pay ten dollars for each license. Any person who shall act as agent of any fire, marine, life, mutual, or other insurance company or companies, shall be regarded as an insurance agent under this act: *Provided*, That no license shall be required of any insurance agent or broker whose receipts, as such agent, are less than the sum of three hundred dollars in any one year.
- Proviso. [Stricken out. *Post*, p. 473]. Foreign insurance agents. Twenty-nine. Foreign insurance agents shall pay fifty dollars for each license. Every person who shall act as agent of any foreign fire, marine, life, mutual, or other insurance company or companies, shall be regarded as a foreign insurance agent under this act.

Thirty. Auctioneers, whose annual sales do not exceed ten thousand dollars, shall pay ten dollars for each license; auctioneers, whose annual sales exceed ten thousand dollars, shall pay twenty dollars for each license. Every person shall be deemed an auctioneer within the meaning of this act, whose business it is to offer property for sale to the highest or best bidder. Auctioneers.

Thirty-one. Manufacturers shall pay ten dollars for each license. Any person, firm, or corporation, who shall manufacture by hand or machinery any goods, wares, or merchandise, exceeding annually the sum of one thousand dollars, shall be regarded a manufacturer under this act. Manufacturers.

Thirty-two. Peddlers shall be classified and rated as follows, to wit: when travelling with more than two horses, or mules, the first class, and shall pay fifty dollars for each license; when travelling with two horses, or mules, the second class, and shall pay twenty-five dollars for each license; when travelling with one horse, or mule, the third class, and shall pay fifteen dollars for each license; when travelling on foot, the fourth class, and shall pay ten dollars for each license. Any person, except persons peddling only newspapers, Bibles, or religious tracts, who sells or offers to sell, at retail, goods, wares, or other commodities, travelling from place to place, in the street, or through different parts of the country, shall be regarded a peddler under this act: *Provided*, That any peddler who sells, or offers to sell, dry goods, foreign and domestic, by one or more original packages or pieces, at one time, to the same person or persons, shall pay fifty dollars for each license. And any person who peddles jewelry shall pay fifty dollars for each license: *Provided, further*, That manufacturers and producers of agricultural tools and implements, garden-seeds, stoves, and hollow ware, brooms, wooden ware, and powder, delivering and selling at wholesale any of said articles, by themselves or their authorized agents, at places other than the place of manufacture, shall not be required, for any sale thus made, to take out any additional license therefor: *Provided, further*, That nothing contained in this paragraph shall authorize the sale of wine, spirits, or malt liquors. Peddlers.

Thirty-three. Apothecaries shall pay ten dollars for each license. Every person who keeps a shop or building where medicines are compounded or prepared according to prescriptions of physicians, or where medicines are sold, shall be regarded an apothecary under this act. But wholesale and retail dealers, who have taken out a license therefor, shall not be required to take out a license as apothecary, anything in this act to the contrary notwithstanding; nor shall apothecaries, who have taken out a license as such, be required to take out a license as retail dealers in liquor in consequence of selling alcohol. Apothecaries.

Thirty-four. Photographers shall pay ten dollars for each license when the receipts do not exceed five hundred dollars; when over five hundred dollars and under one thousand dollars, fifteen dollars; when over one thousand dollars, twenty-five dollars. Any person or persons who make for sale photographs, ambrotypes, daguerreotypes, or pictures, by the action of light, shall be regarded a photographer under this act. Photographers.

Thirty-five. Tobacconists shall pay ten dollars for each license. Any person, firm, or corporation whose business it is to sell, at retail, cigars, snuff, or tobacco in any form, shall be regarded a tobacconist under this act. But wholesale and retail dealers, and keepers of hotels, inns, taverns, and eating-houses, having taken out a license therefor, shall not be required to take out a license as tobacconists, anything in this act to the contrary notwithstanding. Tobacconists.

Thirty-six. Butchers shall pay ten dollars for each license. Every person whose business it is to sell butchers' meat at retail shall be regarded as a butcher under this act: *Provided*, That no butcher having taken out a license, and paid ten dollars therefor, shall be required to take out a license as retail dealer on account of selling other articles at Butchers.

Provided, That no butcher having taken out a license, and paid ten dollars therefor, shall be required to take out a license as retail dealer on account of selling other articles at

[Additional proviso. Post, p. 473.]

- Proviso. the same store, stall, or premises: *Provided, further,* That butchers whose annual sales do not exceed one thousand dollars, and butchers who retail butchers' meat exclusively by themselves or agents, and persons who sell shell or other fish, or both, travelling from place to place, and not from any shop or stand, shall be required to pay five dollars only for each license, any existing law to the contrary notwithstanding; and having taken out a license therefor, shall not be required to take out a license as a peddler for retailing butchers' meat or fish, as aforesaid. And no license shall be required of persons who sell shell or other fish from handcarts or wheelbarrows exclusively.
- Theatres, museums, concert-halls, &c. Thirty-seven. Proprietors of theatres, museums, and concert-halls receiving pay as entrance-money, shall pay one hundred dollars for each license. Every edifice used for the purpose of dramatic or operatic or other representations, plays, or performances, and not including halls rented or used occasionally for concerts or theatrical representations, shall be regarded as a theatre under this act: *Provided,* That when any such edifice is under lease at the passage of this act, the fee for license shall be paid by the lessee, unless otherwise stipulated between the parties to said lease.
- Proviso. Circuses. Thirty-eight. The proprietor or proprietors of circuses shall pay one hundred dollars for each license. Every building, tent, space, or area, where feats of horsemanship or acrobatic sports or theatrical performances are exhibited, shall be regarded as a circus under this act: *Provided,* That no license procured in one state shall be held to authorize exhibitions in another state. And but one license shall be required under this act to authorize exhibitions within any one state.
- Proviso. Jugglers. Thirty-nine. Jugglers shall pay for each license twenty dollars. Every person who performs by sleight of hand shall be regarded as a juggler under this act. The proprietors or agents of all other public exhibitions or shows for money, not enumerated in this section, shall pay for each license ten dollars: *Provided,* That no license procured in one state shall be held to authorize exhibitions in another state. And but one license shall be required under this act to authorize exhibitions within any one state.
- Proviso. Bowling-alleys and billiard-rooms. Forty. Bowling-alleys and billiard-rooms shall pay ten dollars for every alley or table in the building or place to be licensed. Every place or building where bowls are thrown or billiards played, and open to the public with or without price, shall be regarded as a bowling-alley or billiard-room, respectively, under this act.
- Gift enterprises. Forty-one. Proprietors of gift enterprises shall pay fifty dollars for each license. Every person, firm, or corporation, who shall sell, or offer for sale, any article of merchandise of any description whatsoever, with a promise, express or implied, to give or bestow, or in any manner to hold out to the public the promise of gift or bestowal of any article or thing for and in consideration of the purchase by any person of any other article, or thing, shall be regarded a proprietor of a gift enterprise under this act: *Provided,* That no such proprietor, in consequence of being thus licensed, shall be exempt from paying any other license or tax required by law, and the license herein required shall be in addition thereto.
- Proviso. Stallions and jacks. Forty-two. Owners of stallions and jacks shall pay ten dollars for each license. Every person who keeps a male horse or a jack for the use of mares, requiring or receiving pay therefor, shall be required to take out a license under this act, which shall contain a brief description of the animal, its age, and place or places where used or to be used: *Provided,* That all accounts, notes, or demands, for the use of any such horse or jack without a license, as aforesaid, shall be invalid and of no force in any court of law or equity.
- Lawyers. Forty-three. Lawyers shall pay ten dollars for each license. Every person who, for fee or reward, shall prosecute or defend causes in any

court of record or other judicial tribunal of the United States, or of any of the states, or give legal advice in relation to any cause or matter whatever, shall be deemed to be a lawyer within the meaning of this act.

Forty-four. Physicians, surgeons, and dentists shall pay ten dollars for each license. Every person (except apothecaries) whose business it is, for fee and reward, to prescribe remedies or perform surgical operations for the cure of any bodily disease or ailment, shall be deemed a physician, surgeon, or dentist, as the case may be, within the meaning of this act.

Physicians, surgeons, and dentists.

Forty-five. Architects and civil engineers shall pay ten dollars for each license. Every person whose business it is to plan, design, or superintend the construction of buildings, or ships, or of roads, or bridges, or canals, or railroads, shall be regarded as an architect and civil engineer under this act: *Provided*, That this shall not include a practical carpenter who labors on a building.

Architects and civil engineers.

Forty-six. Builders and contractors shall pay twenty-five dollars for each license; and if his said contracts in any one year exceed in amount twenty-five thousand dollars, he shall pay one dollar on every additional thousand dollars in excess thereof. Every person whose business it is to construct buildings, or ships, or bridges, or canals, or railroads by contract, shall be regarded as a builder and contractor under this act: *Provided*, That no license shall be required from any person whose building contracts do not exceed two thousand five hundred dollars in any one year.

Builders and contractors

Forty-seven. Plumbers and gas-fitters shall pay ten dollars for each license. Every person, firm, or corporation, whose business it is to fit, furnish, or sell plumbing materials, gas-pipes, gas-burners, or other gas-fixtures, shall be regarded a plumber and gas-fitter within the meaning of this act.

Plumbers and gas-fitters.

Forty-eight. Assayers, assaying gold and silver, or either, of a value not exceeding in one year two hundred and fifty thousand dollars, shall pay one hundred dollars for each license, and two hundred dollars when the value exceeds two hundred and fifty thousand dollars and does not exceed five hundred thousand dollars, and five hundred dollars when the value exceeds five hundred thousand dollars. Any person or persons or corporation whose business or occupation it is to separate gold and silver from other metals or mineral substances with which such gold or silver, or both, are alloyed, combined, or united, or to ascertain or determine the quantity of gold or silver in any alloy or combination with other metals, shall be deemed an assayer for the purpose of this act.

Assayers.

Forty-nine. A license fee of ten dollars shall be required of every person, firm, or corporation engaged in any business, trade, or profession whatsoever, for which no other license is herein required, whose gross annual receipts therefrom exceed the sum of one thousand dollars per annum.

Other trade or business.

[Stricken out. Post, p. 473]

SEC. 80. *And be it further enacted*, That where the annual gross receipts or sales of any apothecaries, confectioners, eating-houses, tobacconists, or retail dealers, except retail dealers in spirituous and malt liquors, shall not exceed the sum of one thousand dollars, such apothecaries, confectioners, eating-houses, tobacconists, and retail dealers shall not be required to take out or pay for license, anything in this act to the contrary notwithstanding; the amount or estimated amount of such annual sales to be ascertained or estimated in such manner as the commissioner of internal revenue shall prescribe, and so of all other annual sales or receipts, where the rate of the license is graduated by the amount of sales or receipts; and where the amount of the license or the rate has been increased, or is liable to be increased, by law above the amount of any existing license to any person, firm, or company, or has been understated or under-

Apothecaries, &c., whose sales do not exceed one thousand dollars, need not take license.

estimated, such person, firm, or company shall be again assessed and pay the amount of such increase, which shall be indorsed on the original license, which shall thereafter be held good and sufficient.

Manufacturers, &c., may sell their own articles at, &c., without license.

Post, p. 473.

SEC. 81. *And be it further enacted*, That nothing contained in the preceding sections of this act, requiring licenses, shall be construed to require an additional license as a dealer for the sale of goods, wares, and merchandise made or produced and sold by the manufacturer or producer at the manufactory or place where the same is made or produced, or at the principal office or place of business, as provided in section *seventy-three* [seventy-four] of this act; [nor] to *vinters* [vintners] who sell, at the place where the same is made, wine of their own growth; nor to apothecaries, as to wines or spirituous liquors which they use exclusively in the preparation or making up of medicines; nor shall any provisions be construed to prohibit physicians from keeping on hand medicines solely for the purpose of making up their own prescriptions for their own patients.

Manufactures, articles, and products.

Specific and ad valorem duty.

MANUFACTURES, ARTICLES, AND PRODUCTS.

Specific and ad valorem duty.

SEC. 82. *And be it further enacted*, That every individual, partnership, firm, association, or corporation, (and any word or words in this act indicating or referring to person or persons shall be taken to mean and include partnerships, firms, associations, or corporations, when not otherwise designated or manifestly incompatible with the intent thereof,) shall comply with the following requirements, that is to say:—

Word "persons" to include partnerships, corporations, &c.

Manufacturer to give assessors a statement.

First. Before commencing, or, if already commenced, before continuing, any manufacture liable to be assessed, under the provisions of this act, and which shall not be differently provided for elsewhere, every person shall furnish, without previous demand therefor, to the assistant assessor a statement, subscribed and sworn to, or affirmed, setting forth the place where the manufacture is to be carried on, and the principal place of business for sales, the name of the manufactured article, the proposed market for the same, whether foreign or domestic, and generally the kind and quality manufactured or proposed to be manufactured.

To make monthly return.

Second. He shall within ten days after the first day of each and every month, or on or before a day prescribed by the commissioner of internal revenue, make return under oath or affirmation of the products and sales or delivery of such manufacture in form and detail as may be required, from time to time, by the commissioner of internal revenue.

Form of returns.

Third. All such returns, statements, descriptions, memoranda, oaths, and affirmations, shall be in form, scope, and detail as may be prescribed, from time to time, by the commissioner of internal revenue.

Duties to be paid monthly.

SEC. 83. *And be it further enacted*, That upon the amounts, quantities, and values of produce, goods, wares, merchandise, and articles produced or manufactured, and sold or delivered, hereinafter enumerated, the manufacturer or producer thereof, whether manufactured or produced for himself or for others, shall pay to the collector of internal revenue within his district, monthly, or on or before a day to be prescribed by the commissioner of internal revenue, the duties on such products or manufactures. And for neglect to pay such duties within ten days after demand, in writing delivered to him in person, or left at his house or place of business, or manufactory, or sent by mail, the amount of such duties, with the additions hereinbefore prescribed, may be levied upon the real and personal property of any such producer or manufacturer. And such duties and additions, and whatever shall be the expenses of levy, shall be a lien from the day prescribed by the commissioner for their payment aforesaid, in favor of the United States, upon the said real and personal property of such producer or manufacturer; and such lien may be enforced by distraint, as

[Amended, Post, p. 473.]

Penalty for neglect.

Duties to be a lien.

provided in this act. And in all cases of goods manufactured or produced, in whole or in part upon commission, or where the material is furnished by one party and manufactured by another, if the manufacturer shall be required to pay under this act the tax hereby imposed, such person or persons so paying the same shall be entitled to collect the amount thereof of the owner or owners, and shall have a lien for the amount thus paid upon the produced or manufactured goods.

SEC. 84. *And be it further enacted*, That for neglect or refusal to pay the duties provided by law on manufactured articles, or articles produced, as aforesaid, the goods, wares, and merchandise manufactured or produced and unsold by, or not passed out of the possession of, such manufacturer or producer, shall be forfeited to the United States, and may be sold or disposed of for the benefit of the same, in manner as shall be prescribed by the commissioner of internal revenue, under the direction of the Secretary of the Treasury. In such case the collector or deputy collector may take possession of said articles, and may maintain such possession in the premises and buildings where they may have been manufactured, or deposited, or may be. He shall summon, giving notice of not less than two, nor more than ten, days, the parties in possession of said goods, enjoining them to appear before the assessor or assistant assessor, at a day and hour in such summons fixed, then and there to show cause, if any there be, why, for such neglect or refusal, such articles should not be declared forfeited to the United States. The manufacturers or producers thereof shall be deemed to be the parties interested, if the articles shall be, at the time of taking such possession, upon the premises where manufactured or produced; if they shall at such time have been removed from the place of manufacture or production, the parties interested shall be deemed to be the persons or parties in whose custody or possession the articles shall be found. Such summons shall be served upon such parties in person, or by leaving a copy thereof at the place of abode or business of the party to whom the same may be directed. In case no such party or place can be found, which fact shall be determined by the collector's return on the summons, such notice, in the nature of a summons, shall be given by advertisement for the term of three weeks in one newspaper in the county nearest to the place of such sale. If at or before such hearing such duties shall not have been paid, and the assessor or assistant assessor shall adjudge the summons and notice, service and return of the same to be sufficient, the said articles shall be by him declared forfeit, and shall be sold, disposed of, or turned over by the collector to the use of any department of the government as may be directed by the Secretary of the Treasury, who may require of any officer of the government, into whose possession the same may be turned over, the proper voucher therefor; and the proceeds of sale of said articles, if any there be after deducting the duties and additions thereon, together with the fees, costs, and expenses of all proceedings incident to the seizure and sale, to be determined by said commissioner, shall be refunded and paid to the owner, or, if he cannot be found, to the manufacturer or producer in whose custody the articles were when seized, as the said commissioner may deem just, by draft on the same, or some other collector; or if the said articles are turned over without sale to the use of any department of the government, the excess of the value of said articles, after deducting the amount of the duties, additions, fees, costs, and expenses accrued thereon when turned over as aforesaid, shall be refunded and paid by the said department to the owner, or, if he cannot be found, to the manufacturer or producer in whose custody or possession the said articles were when seized as aforesaid. The commissioner of internal revenue, with the approval of the Secretary of [the] Treasury, may review any such case of forfeiture, and do justice in the premises. If the forfeiture shall have been wrongly declared, and sale made, the Secretary is hereby authorized, in case the specific articles cannot be restored to the

Articles to be forfeited for neglect to pay duty.

Collector to take possession

Subsequent proceedings.

Summons.

Service.

Articles when to be declared forfeit.

Secretary may review decision.

party aggrieved in as good order and condition as when seized, to make up to such party in money his loss and damage from the contingent fund of his department. Immediate notice of any seizure of manufactured articles or products shall be given to the commissioner of internal revenue by the collector or deputy collector, who shall also make return of his proceedings to the said commissioner after he shall have sold or otherwise disposed of the articles or products so forfeited; and the assessor or assistant assessor shall also make return of his proceedings relating to such forfeiture to the said commissioner. And any violation of, or refusal to comply with, the provisions of the *eighty-first* [eighty-second] section of this act, shall be good cause for seizure and forfeiture, substantially in manner as detailed in this section; but before forfeiture shall be declared by virtue of the provisions of this section, the amount of duties which may be due from the person whose manufactures or products are seized, shall first be ascertained in the manner prescribed in the *eighty-fourth* [eighty-fifth] section of this act; and such violation or refusal to comply shall further make any party so violating, or refusing to comply, liable to a fine or penalty of five hundred dollars, to be recovered in manner and form as provided in this act. Articles which the collector may adjudge perishable may be sold or disposed of before declaration of forfeiture. Said sales shall be made at public auction, and notice thereof shall be given as the said commissioner shall prescribe.

Causes for seizure and forfeiture.

Post, p. 473.

Sale of perishable articles.

Amount, &c., of manufactures to be estimated.

SEC. 85. *And be it further enacted*, That in case of the manufacture and sale, or production and sale, consumption, or delivery of any goods, wares, merchandise, or articles as hereinafter mentioned, without compliance on the part of the party manufacturing or producing the same with all the requirements and regulations prescribed by law in relation thereto, the assistant assessor may, upon such information as he may have, assume and estimate the amount and value of such manufactures or products, and upon such assumed amount assess the duties, and add thereto fifty per centum; and said duties shall be collected in like manner as in case the provisions of this act in relation thereto had been complied with, and to such articles all the foregoing provisions for liens, fines, penalties, and forfeitures, shall in like manner apply.

Manufacturers, &c., to render account of sales.

SEC. 86. *And be it further enacted*, That any person, firm, company, or corporation, manufacturing or producing goods, wares, and merchandise, sold or removed for consumption or use, upon which duties or taxes are imposed by law, shall, in their return of the value and quantity, render an account of the full amount of actual sales made by the manufacturer, producer, or agent thereof, and shall state in a separate column the items and account of the deductions, if any, claimed; whether any part, and if so, what part, of said goods, wares, and merchandise has been consumed or used by the owner, owners, or agent, or used for the production of another manufacture or product, together with the market value of the same at the time of such use or consumption; whether such goods, wares, and merchandise were shipped for a foreign port, or consigned to auction or commissioned merchants, other than agents, for sale; and shall make a return, according to the value at the place of shipment, when shipped for a foreign port, or according to the value at the place of manufacture or production, when removed for use or consumption, or consigned to others than agents of the manufacturer or producer. The value and quantity of the goods, wares, and merchandise required to be stated as aforesaid, shall be estimated by the actual sales made by the manufacturer, or by his, her, or their agent, or person or persons acting in his, her, or their behalf. And where such goods, wares, and merchandise have been removed for consumption or for delivery to others, or placed on shipboard, or are no longer within the custody or control of the manufacturer or his agent, not being in his factory, store, or warehouse, the value shall be estimated at the average of the market value of the like goods, wares, and merchandise, at

the time when the same became liable to duty. And when goods, wares, and merchandise are sold by the manufacturer or producer, or the agent thereof having the charge of the business, the following deductions only may be allowed, viz.:—

First. Freight from the place of deposit at the time of sale to the place of delivery.

Second. That [The] reasonable commission, not exceeding three per centum, and other expenses of sale bona fide paid; and no commission shall be deducted when the sale is made at the place of manufacture or production: *Provided*, That no deduction shall be made on the market value at the place of manufacture or production, on goods, wares, and merchandise consigned to auction or commission merchants for sale, or placed on shipboard to be removed from the United States, or when consigned to other than agents having charge of the business of such manufacturer or producer, nor when used or consumed by the manufacturer, producer, or agent thereof.

SEC. 87. *And be it further enacted*, That any person, firm, company, or corporation who shall now be engaged in the manufacture of tobacco, snuff, or cigars, or who shall hereafter commence or engage in such manufacture, before commencing, or, if already commenced, before continuing, such manufacture for which they may be liable to be assessed under the provisions of law, shall, in addition to a compliance with all other provisions of law, furnish to the assessor or assistant assessor a statement, subscribed under oath or affirmation, accurately setting forth [th] the place, and if in a city, the street and number of the street, where the manufacturing is, or is to be, carried on, the name and description of the manufactured article, the proposed market for the same, whether foreign or domestic, and if the same shall be manufactured for, or to be sold and delivered to, any other person or party, the name and residence and business or occupation of the person or party for whom the said article is to be manufactured or delivered, and generally the kind and quality manufactured or proposed to be manufactured; and shall, within the time above mentioned, apply to, and obtain from, the assessor or assistant assessor of the district in which said manufacture is carried on, or proposed to be carried on, in addition to the license required by existing laws, a permit in writing, to be signed by said assessor or assistant assessor, in such form as shall be prescribed by the commissioner of internal revenue, which permit shall be kept by such manufacturer suspended in some open and conspicuous place in the principal room in which such manufacturing is so carried on. And such manufacturer shall also give notice to the assessor [or] assistant assessor, in writing, of any and every change or removal made, accurately setting forth, as hereinbefore mentioned, the place where the said manufacture is to be carried on; and whenever such change or removal takes place, before it shall be lawful to commence such manufacture, a new permit in writing shall be applied for and obtained in manner aforesaid. And the assistant assessor of the proper assessment district shall be entitled to demand and receive from such manufacturer for each pe[r]mit so granted the sum of twenty-five cents. And if any person or agent of any firm, company, or corporation shall manufacture for sale tobacco, snuff, or cigars of any description without first obtaining the permit herein required, such person or agent shall be subject, upon conviction thereof, to a penalty of three hundred dollars, and in addition thereto shall be liable to imprisonment for a term not exceeding one year, at the discretion of the court.

SEC. 88. *And be it further enacted*, That it shall be the duty of the assistant assessor of each district to keep a record in a book or books, to be provided for the purpose, to be open to the inspection of any person upon reasonable request, in which shall be arranged alphabetically the name of any and every person, firm, company, or corporation who may

Deductions.

Freight.

Post, p. 474.

Commissions.

Manufactories of tobacco, snuff, and cigars.

Statement.

Post, p. 474.

Permit in addition to license.

Removal.

Fee for permit.

Penalty for working without permit.

Assessor to keep alphabetical record.

be engaged in the manufacture of tobacco, snuff, or cigars within his district, to whom a permit has been issued, together with the place where such manufacture is carried on and place of residence of the person or persons engaged therein; a copy of which record shall be, by said assistant assessor, forwarded to the assessor of the district, who shall preserve the same in his office.

Duty on man-
ufactured tobacco,
&c., how paid
when manufac-
tured on shares,
&c.

SEC. 89. *And be it further enacted*, That in all cases where tobacco, snuff, or cigars, of any description, are manufactured, in whole or in part upon commission or shares, or where the material from which any such articles are made, or are to be made, is furnished by one party and manufactured by another, or where the material is furnished or sold by one party with an understanding or contract with another that the manufactured article is to be received in payment therefor, or any part thereof, the duty or tax imposed by law thereon, when paid by the manufacturer, may be collected at the time, or at any time subsequently, of the party for whom the same was made, or to whom the same was delivered, as aforesaid. And in case of any fraud or collusion by which the government shall be defrauded, or attempted to be defrauded, by a party who furnishes the material and the manufacturer of any of the articles aforesaid, such material shall be liable to forfeiture, and such articles shall be liable to be assessed the highest rates of duty imposed by law upon any article belonging to its grade or class.

Fraud.

Statements of
different kinds of
tobacco, &c.

[Amended, *Post*,
p. 474.]

SEC. 90. *And be it further enacted*, That any person, firm, company, or corporation, now or hereafter engaged in the manufacture of tobacco, snuff, or cigars, of any description whatsoever, shall be, and hereby is, required to make out and deliver to the assistant assessor of the assessment district a true statement or inventory of the quantity of each of the different kinds of tobacco, snuff-flour, snuff, cigars, tin-foil, licorice, and stems held or owned by him or them on the day this act takes effect, or at the time of commencing business under this act, setting forth what portion of said goods was manufactured or produced by him or them, and what was purchased from others, whether chewing, smoking, fine-cut, shorts, pressed, plug, snuff-flour, or prepared snuff, the several kinds of cigars and the market price thereof, which statement or inventory shall be verified by the oath or affirmation of such person or persons, and be in manner and form as prescribed by the commissioner of internal revenue; and the said person, firm, company, or corporation engaged as aforesaid, on the first day of January in every year hereafter, shall make out and deliver to the said assistant assessor a true statement or inventory, in manner and form as aforesaid, and verified as aforesaid, of all such articles, aforesaid, then held or owned by him or them, setting forth all and singular what is required to be set forth in the statement or inventory first aforesaid; and every such person, company, or corporation shall keep in a book, in such manner and form as said commissioner may prescribe, an accurate account of all the articles aforesaid thereafter purchased by him or them, the quantity of tobacco, snuff, snuff-flour, or cigars, of whatever description sold, consumed, or removed for consumption or sale, or removed from the place of manufacture; and he or they shall, on Wednesday of each week, furnish to the assistant assessor of the district a true and accurate copy of the entries in said book during the week ending on the preceding Saturday, which copy shall be verified by oath or affirmation, on the receipt whereof an assessment of the duties due by said person, company, or corporation shall be immediately made and transmitted to the collector of the district, to whom said duties shall be paid within five days thereafter; and in case the duties shall not be paid within the said five days, the said collector may, on one day's notice, distrain for the same, with ten per centum additional on the amount thereof, subject to all the provisions of law relating to licenses, returns, assessments, payment of taxes, liens, fines, penalties, and forfeitures, not inconsistent herewith in

Annual state-
ment.

Books.

Copies of en-
tries to be given
assessors weekly.

the case of other manufacturers ; and such duty shall be paid by the manufacturer, or the person for whom the goods are manufactured, as the assessor may deem best for the collection of the revenue : *Provided*, That it shall be the duty of any manufacturer or vender of tin-foil used in covering manufactured tobacco, on demand of any officer of internal revenue, to render to such officer a correct statement, verified by oath or affirmation, of the quantity and amount of tin-foil sold or delivered to any person or persons named in such demand ; and in case of refusal or neglect to render such statement, or of cause to believe such statement to be incorrect or fraudulent, the assessor of the district may cause an examination of persons, books, and papers to be made in the same manner as provided in the fourteenth section of this act : *Provided*, That manufactured tobacco, snuff, or cigars may be transferred, without payment of the duty, directly from the place of manufacture to a bonded warehouse established in conformity with law and treasury regulations, under such rules and regulations, and upon the execution of such transportation bonds, as the Secretary of the Treasury may prescribe ; said bonds or other security to be taken by the assessor of the district from which such removal is made, and may be transported from such warehouse to a bonded warehouse used for the storage of merchandise at any port of entry and withdrawn therefrom for consumption or [on] payment of the duty, or removed for export to a foreign country without payment of duty, in conformity with the provisions of this act relating to the removal of distilled spirits ; all the rules, regulations, and conditions of which, so far as applicable, shall apply to tobacco, snuff, or cigars, in bonded warehouse. And no drawback shall in any case be allowed upon any manufactured tobacco, snuff, or cigars, upon which any excise duty has been paid either before or after it has been placed in bonded warehouse.

Tin-foil manufacturers or vendors.

Proviso.

SEC. 91. *And be it further enacted*, That every manufacturer of tobacco, snuff, or cigars of any description, as hereinbefore mentioned, or his chief workman, agent, or superintendent, shall, at the end of each and every month, make and sign a declaration, in writing, that no such article or commodity, as aforesaid, has, during such preceding month or time when the last declaration was made, been removed, carried, or sent, or caused, or suffered, or known to have been removed, carried, or sent from the premises of such manufacturer other than such as have been duly assessed and the duties imposed by law paid thereon, on pain of forfeiting for every refusal or neglect to make such declaration, one hundred dollars. And if any such manufacturer, or his chief workman, agent, or superintendent, shall make any false or untrue declaration, such manufacturer or chief workman, agent, or superintendent, making the same, upon conviction thereof, shall forfeit three hundred dollars, or, at the discretion of the court, be liable to imprisonment for a term not exceeding one year.

Monthly declarations.

[Amended, Post, p. 475.]

SEC. 92. *And be it further enacted*, That if any person other than the manufacturer shall sell, or consign, or remove for sale, or part with the possession of any manufactured tobacco, snuff, or cigars, upon which the duties imposed by law have not been paid, with the knowledge thereof, such person shall be liable to a penalty of one hundred dollars for each and every offence. And any person who shall purchase or receive for sale any such tobacco, snuff, or cigars, which has not been inspected, branded, or stamped, as required by this act, or upon which the tax has not been paid, if it has accrued or become payable with knowledge thereof, shall be liable to a penalty of fifty dollars for each and every offence. And any person who shall purchase or receive for sale any such tobacco, snuff, or cigars, from any manufacturer who has not a permit to manufacture, shall be liable for each and every offence to a penalty of one hundred dollars, and, in addition thereto, a forfeiture of all the articles, as aforesaid, so purchased or received, or the full value thereof.

Penalty for sale of tobacco, &c., on which duties are not paid, &c.

Post, p. 475.

SEC. 93. *And be it further enacted*, That all goods, wares, and mer-

What manufac-
tures exempt
from duty.

chandise, or articles manufactured or made (except refined petroleum, refined coal-oil, gold and silver, spirituous and malt liquors, manufactured tobacco, and snuff and cigars) by any person or firm, where the product shall not exceed the rate of six hundred dollars per annum, and shall be made or produced by the labor of such person or firm, or by his or their family, shall be, and are hereby, exempt from duty; where the product shall exceed such rate and not exceed the rate of one thousand dollars, the duty shall be levied, assessed, and collected only upon the excess above the rate of six hundred dollars per annum; and in all other cases the whole annual product, (including any business or transaction where one party has been furnished with materials, or any part thereof, and employed by another party to manufacture, make, or finish the goods, wares, and merchandise, or articles, paying or promising to pay therefor, and to whom the same are returned when so made and finished,) shall be assessed, and the duty paid thereon by the producer or manufacturer: *Provided*, That whenever a producer or manufacturer shall use or consume, or shall remove for consumption or use, any articles, goods, wares, or merchandise, which if removed for sale would be liable to taxation, he shall be assessed upon the salable value of the articles, goods, wares, or merchandise so used or so removed for consumption or use.

Duties on, &c.
Post, p. 483.

SEC. 94. *And be it further enacted*, That upon the articles, goods, wares, and merchandise hereinafter mentioned, except where otherwise provided, which shall be produced and sold, or be manufactured or made and sold, or be consumed or used by the manufacturer or producer thereof, or removed for consumption, or for delivery to others than agents of the manufacturer or producer within the United States or territories thereof, there shall be levied, collected, and paid the following duties, to be paid by the producer or manufacturer thereof, that is to say:—

Candles.

On candles, of whatever material made, a duty of five per cent. ad valorem.

Mineral coals.
Post, p. 475.
Proviso.

On mineral coals, except such as are known in the trade as pea coal and dust coal, a duty of five cents per ton: *Provided*, That in case of contracts of lease of coal lands made prior to the passage of this act the lessee shall pay the tax, if not otherwise agreed; and all duties or taxes on coal mined and delivered by coal operators on contracts heretofore made shall be paid by the purchasers thereof, if not otherwise agreed by the parties.

Oils, animal or
vegetable.

On lard oil, mustard-seed oil, linseed oil, and on all animal or vegetable oils, not exempted or provided for elsewhere, whether pure or adulterated, a duty of five cents per gallon.

Illuminating
gas.

On gas, illuminating, made of coal, wholly or in part, or any other material, when the product shall not be above two hundred thousand cubic feet per month, a duty of ten cents per one thousand cubic feet; when the product shall be above two and not exceeding five hundred thousand cubic feet per month, a duty of fifteen cents per one thousand cubic feet; when the product shall be above five hundred thousand and not exceeding five millions of cubic feet per month, a duty of twenty cents per one thousand cubic feet; when the product shall be above five millions, a duty of twenty-five cents per one thousand cubic feet. And the general average of the monthly product for the year preceding the return required by this act shall regulate the rate of duty herein imposed. And where any gas-works have not been in operation for the next year preceding the return as aforesaid, then the rate shall be regulated upon the estimated average of the monthly product: *Provided*, That the product required to be returned by law by any gas company shall be understood to be the product charged in the bills actually rendered by the gas company during the month preceding the return; and all gas companies are hereby authorized to add the duty or tax imposed by law to the price per thousand cubic feet on gas sold: *Provided, further*, That all gas furnished for light-

Provisos.
Post, p. 475.

<p>ing street lamps, and not measured, and all gas made for and used by any hotel, inn, tavern, and private dwelling-house, shall be subject to duty, whatever the amount of product, and may be estimated; and if the returns in any case shall be understated or under-estimated, it shall be the duty of the assistant assessor of the district to increase the same as he shall deem just and proper: <i>And provided, further,</i> That gas companies located within the corporate limits of any city or town, whether in the district or otherwise, or so located as to compete with each other, shall pay the rate imposed by law upon the company having the largest production: <i>And provided, further,</i> That coal-tar produced in the manufacture of illuminating gas, and the products of the redistillation of coal-tar thus produced, shall be exempt from duty.</p>	<p>Illuminating gas. Provisos. Post, p. 475.</p>
<p>On coal illuminating oil, refined, and naphtha, benzine, and benzole, produced by the distillation of coal, asphaltum, shale, peat, petroleum, or rock-oil, and all other bituminous substances used for like purposes, a duty of twenty cents per gallon: <i>Provided,</i> That such oil, refined and produced by the distillation of coal, asphaltum, or shale, exclusively, shall be subject to pay a duty of fifteen cents per gallon, anything to the contrary notwithstanding: <i>And provided, further,</i> That distillers of coal-oil, or naphtha, benzine, or benzole, shall be subject to all the provisions of law applicable to distillers of spirits, with regard to licenses, bonds, returns, assessments, liens, penalties, drawbacks, and all other provisions designed for the purpose of ascertaining the quantity distilled, and securing the payment of duties, so far as the same may, in the judgment of the commissioner of internal revenue, and under regulations prescribed by him, be deemed necessary for that purpose: <i>And provided, also,</i> That naphtha of specific gravity exceeding eighty degrees, according to Baume's hydrometer, and of the kind usually known as gasoline, shall be subject to a tax of five per centum ad valorem.</p>	<p>Illuminating oil, &c. Post, p. 476. Provisos. Post, p. 484. Post, p. 476. Post, p. 476.</p>
<p>On spirits of turpentine, a duty of twenty cents per gallon: <i>Provided,</i> That all the provisions of law relating to the assessment and collection of the duties on cotton, under rules and regulations to be prescribed by the Secretary of the Treasury, so far as the same may be deemed applicable thereto, shall apply to the assessment and collection of duties on spirits of turpentine.</p>	<p>Spirits of turpentine.</p>
<p>On ground coffee, and on all ground substitutes for coffee, or preparations of which coffee forms a part, and on all unground substitutes for coffee, a duty of one cent per pound.</p>	<p>Ground coffee.</p>
<p>On ground pepper, ground mustard, ground pimento, ground cloves, and ground clove stems, ground cassia, and ground ginger, and all imitations of the same, a duty of one cent per pound.</p>	<p>Ground pepper.</p>
<p>On molasses produced from the sugar-cane, and not from sorghum or imphee, a duty of five cents per gallon.</p>	<p>Molasses.</p>
<p>On sirup of molasses or sugar-cane juice, when removed from the plantation, concentrated molasses or melado, and cistern bottoms, of sugar produced from the sugar-cane and not made from sorghum or imphee, a duty of one cent and one fourth of one cent per pound.</p>	<p>Sirups.</p>
<p>On brown or Muscovado sugar not above number twelve Dutch standard in color, produced from the sugar-cane and not from sorghum or imphee, other than those produced by the refiner, a duty of two cents per pound.</p>	<p>Brown, &c., sugar. Post, p. 476.</p>
<p>On all clarified or refined sugars above number twelve and not above number eighteen Dutch standard in color, produced directly from the sugar-cane and not from sorghum or imphee, a duty of two and one-half cents per pound.</p>	<p>Refined sugars. Post, p. 476.</p>
<p>On all clarified or refined sugars above number eighteen Dutch standard in color, produced directly from the sugar-cane and not from sorghum or imphee, a duty of three and one half cents per pound.</p>	<p>Post, p. 476.</p>
<p>On the gross amount of the sales of sugar refiners, including all the</p>	<p>Sales of sugar refiners.</p>

- Sales of sugar refiners. products of their manufactories or refineries, a duty of two and a half of one per centum ad valorem: *Provided*, That every person shall be regarded as a sugar refiner, and pay the duties levied by law, whose business it is to advance the quality and value of sugar upon which a duty has been assessed and paid, by melting and recrystallization, or by liquoring, claying, or other washing process, or by any other chemical or mechanical means, or who shall advance the quality or value of molasses, concentrated molasses or melado, upon which a duty has been assessed and paid, by boiling or other process.
- Sugar-candy. On sugar-candy and all confectionery made wholly or in part of sugar, valued at not exceeding twenty cents per pound, a duty of two cents per pound; exceeding twenty and not exceeding forty cents per pound, a duty of four cents per pound; when exceeding forty cents per pound, or sold by the box, package, or otherwise than by the pound, a duty of ten per centum ad valorem.
- Chocolate, &c. On chocolate and cocoa prepared, a duty of one and a half cent per pound.
- Saleratus. On saleratus and bicarbonate of soda, a duty of five mills per pound.
- Starch. On starch made of potatoes, a duty of two mills per pound; made of corn or wheat, a duty of three mills per pound; made of rice or any other material, a duty of one cent per pound.
- Gunpowder. On gunpowder, and all explosive substances used for mining, blasting, artillery, or sporting purposes, when valued at twenty-eight cents per pound or less, a duty of one cent per pound; when valued at above twenty-eight cents per pound and not exceeding thirty-eight cents per pound, a duty of one and a half cent per pound; and when valued above thirty-eight cents per pound, a duty of eight cents per pound.
- Post*, p. 476.
- White lead. On white lead, a duty of thirty-five cents per one hundred pounds.
- Oxide of zinc. On oxide of zinc, a duty of thirty-five cents per one hundred pounds.
- Sulphate of barytes. On sulphate of barytes, a duty of twelve cents per one hundred pounds: *Provided*, That white lead, oxide of zinc, and sulphate of barytes, paints and painters' colors, or any one of them, shall not be subject to any additional duty in consequence of being mixed or ground with linseed oil, when the duties upon all the materials so mixed or ground shall have been previously paid.
- Paints, &c. On all paints and painters' colors, dry or ground in oil, or in paste with water, not otherwise provided for, a duty of five per centum ad valorem.
- Varnish, &c. On varnish or japan, made wholly or in part of gum copal, or other gums or substances, a duty of five per centum ad valorem.
- Glue, &c. On glue and gelatine of all descriptions, in the solid state, a duty of one cent per pound.
On glue and cement, made wholly or in part of glue, to be sold in the liquid state, a duty of forty cents per gallon.
- Pins. On pins, solid head or other, a duty of five per centum ad valorem.
- Screws. On screws, commonly called wood-screws, a duty of ten per centum ad valorem.
- Clocks. On clocks and timepieces, and on clock movements, when sold without being cased, a duty of five per centum ad valorem.
- Umbrellas, &c. On umbrellas and parasols made of cotton or silk, or other material, a duty of five per centum ad valorem.
- Gold leaf, &c. On gold leaf, eighteen cents per pack, containing not more than twenty books of twenty-five leaves each.
On gold foil, two dollars per ounce troy weight.
- Paper. On paper of all descriptions, including pasteboard, binders' board, and tarred paper for roofing or other purposes, a duty of three per centum ad valorem.
- Soap, &c. On soap, castile, palm-oil, erasive, and soap of all other descriptions, white or colored, except soft soap and soap otherwise provided for, valued at not above five cents per pound, a duty of two mills per pound; valued at above five cents per pound, a duty of one cent per pound.

On soap, fancy, scented, honey, cream, transparent, and all descriptions of toilet and shaving soap, a duty of five cents per pound.	Soap.
On soft soap, a duty of five per centum ad valorem.	
On all uncompound chemical productions, not otherwise provided for, a duty of five per centum ad valorem.	Uncompound- ed chemicals.
On essential oils, of all descriptions, a duty of five per centum ad valorem.	Essential oils.
On pickles, preserved fruits, preserved vegetables, preserved meats, fish, and shellfish in cans, kegs, or air-tight packages, a duty of five per centum ad valorem.	Pickles.
On bill-heads, printed, printed cards, and printed circulars, a duty of five per centum ad valorem.	Bill-heads. <i>Post</i> , p. 476.
On all printed books, magazines, pamphlets, reviews, and all other similar printed publications, except newspapers, a duty of five per centum ad valorem.	Books, &c. <i>Post</i> , p. 476.
On productions of stereotypers, lithographers, and engravers, a duty of five per centum ad valorem.	
On photographs, or any other sun picture, being copies of engravings or works of art, or used for the illustration of books, and on photographs so small in size that stamps cannot be affixed, a duty of five per centum ad valorem.	Photographs. <i>Post</i> , p. 476.
On all repairs of engines, cars, carriages, or other articles, when such repairs increase the value of the articles so repaired ten per centum or over, a duty of three per centum on such increased value: <i>Provided</i> , That on such repairs made upon ships, steamboats, or other vessels, a duty of two per centum only on the increased value shall be assessed.	Repairs of en- gines, &c.
On the hulls, as launched, of all ships, barks, brigs, schooners, sloops, sail-boats, steamboats, canal-boats, and all other vessels or water craft, (not including engines or rigging,) hereafter built, made, constructed, or finished, a duty of two per centum ad valorem.	Hulls of ves- sels. <i>Post</i> , p. 476.
On slate, freestone, sandstone, marble, and building-stone of any other description, when dressed, hewn, or finished, a duty of three per centum ad valorem: <i>Provided</i> , That the cost for the erection, fitting, adjusting, or setting building-stone of any description, shall not be included in the assessment of any duties thereon.	Slate, &c.
On marble, and other monumental stones, with or without inscriptions, five per centum ad valorem.	Marble.
On lime and Roman or water cement, a duty of three per centum ad valorem.	Cement.
On brick, draining tiles, and earthen and stone water-pipes, a duty of three per centum ad valorem.	Brick, &c.
On masts, spars, and ship or vessel blocks, whether made to order or for sale, a duty of two per centum ad valorem.	Masts, spars, &c.
On all furniture, or other articles made of wood, sold in the rough or unfinished, a duty of five per centum ad valorem: <i>Provided</i> , That all furniture, or other articles made of wood, previously assessed, and a duty paid thereon, shall be assessed a duty of five per centum ad valorem upon the increased value only thereof when sold in a finished condition.	Furniture.
On salt, a duty of six cents per one hundred pounds.	Salt.
On sails, tents, shades, awnings, and bags, made of cotton, flax, or hemp, or part of either or other material, five per centum ad valorem: <i>Provided</i> , That when the material from which any of the foregoing articles are made was imported, or has been subject to and paid a duty, and the same is made by sewing, a duty shall be assessed only on the increased value thereof.	Sails, &c.
On artificial mineral waters, soda waters, sarsaparilla water, and all beverages used for like purposes, sold in bottles, or from fountains, or otherwise, and not otherwise provided for, a duty of five per centum ad valorem.	<i>Post</i> , p. 476. Mineral waters, &c.
On mineral or medicinal waters, or waters from springs impregnated	

with minerals, a duty of one half cent for each bottle containing not more than one pint; when containing more than one pint and not more than one quart, one cent; when containing more than one quart, for each additional quart or fractional part thereof, one cent.

Pig iron.

On pig iron, a duty of two dollars per ton.

Blooms, &c.

On blooms, slabs, or loops, when made in forges or bloomeries, directly from the ore, a duty of three dollars per ton.

Railroad iron.

On railroad iron, a duty of three dollars per ton.

On railroad iron, rerolled, a duty of two dollars per ton: *Provided*, That the term rerolled shall apply only to rails for which the manufacturer receives pay for remanufacturing, and not for new iron.

On all iron advanced beyond blooms, slabs, or loops, and not advanced beyond bars, and band, hoop, and sheet iron, not thinner than number eighteen wire gauge, and plate iron not less than one eighth of an inch in thickness, a duty of three dollars per ton: *Provided*, That a ton shall, for all the purposes of this act, be deemed and taken to be two thousand pounds.

Ton to be two thousand pounds.

Band, hoop, and sheet iron.

On band, hoop, and sheet iron, thinner than number eighteen wire gauge, plate iron less than one eighth of an inch in thickness, and cut nails and spikes, not including nails, tacks, brads, or finishing nails, usually put up and sold in papers, whether in papers or otherwise, nor horseshoe nails wrought by machinery, a duty of five dollars per ton: *Provided*, That bars, rods, axe-polls, bands, hoops, sheets, plates, nails, and spikes, not including such as are usually put up in papers, nor horseshoe nails wrought by machinery, as before mentioned, manufactured from iron, upon which the duty of three dollars has been levied and paid, shall be subject only to a duty of two dollars per ton in addition thereto, anything in this act to the contrary notwithstanding.

Iron castings.

On iron castings used for bridges or other permanent structures, a duty of three dollars per ton.

Stoves and hollow-ware.

On stoves and hollow-ware and castings of iron exceeding ten pounds in weight for each casting, not otherwise provided for, a duty of three dollars per ton.

[Railroad chairs, &c., *post*, p. 476.]

Rivets.

On rivets exceeding one fourth of an inch in diameter, nuts and washers not less than two ounces each in weight, and bolts exceeding five sixteenths of one inch in diameter, a duty of five dollars per ton: *Provided*, That when a duty upon the iron from which rivets, nuts, washers, and bolts, as aforesaid, shall have been made, has paid a duty of not less than three dollars per ton, a duty only, in addition thereto, shall be paid of two dollars per ton: *Provided, further*, That castings of iron, and iron of all descriptions advanced beyond pig iron, blooms, slabs, or loops, upon which no duty has been assessed or paid in the form of pig iron, blooms, slabs, or loops, shall be assessed and pay, in addition to the foregoing rates of iron so advanced, a duty of three dollars per ton.

Steel.

On steel, in ingots, bars, sheets, or wire, not less than one fourth of an inch in thickness, valued at seven cents per pound or less, a duty of five dollars per ton; valued at above seven cents per pound, and not above eleven cents per pound, a duty of ten dollars per ton; valued at above eleven cents, a duty of twelve dollars and fifty cents per ton: *Provided*, That steel rolled, and sheet, rod, or wire made of steel upon which a duty has been assessed and paid, shall be assessed and pay a duty of five per centum ad valorem upon the increased value only thereof.

Steam-engines.

On steam-engines, including locomotive and marine engines, a duty of three per centum ad valorem.

Quicksilver.

On quicksilver produced from the ore, a duty of two per centum ad valorem.

Copper, &c.

On copper and lead ingots, pigs or bars, and spelter and brass, a duty of three per centum ad valorem.

Post, p. 477.

On rolled brass, copper rolled, yellow sheathing-metal, in rods or sheets,

and shot, sheet lead, and lead pipes, a duty of three per centum ad valorem: *Provided*, That when any of the articles herein mentioned shall not have been assessed and a duty paid thereon of three per centum, in the form of ingots, pigs, or bars, a duty of five per centum shall be assessed and paid thereon.

Shot, sheet lead, &c.

On goat, calf, kid, sheep, horse, hog, and dog skins, tanned or dressed in the rough, a duty of five per centum ad valorem.

Goat, &c., skins.

On goat, calf, kid, sheep, horse, hog, and dog skins, curried or finished, a duty of five per centum ad valorem: *Provided*, That all goat, calf, kid, sheep, horse, hog, and dog skins, previously assessed in the rough, and upon which duties have been actually paid, shall be assessed on the increased value only when curried or finished.

On patent, enamelled, and japanned leather and skins of every description, a duty of five per centum ad valorem.

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On oil-dressed leather and deer skins, dressed or smoked, a duty of five per centum ad valorem: *Provided*, That when leather or skins, upon which a duty has been previously assessed and paid, shall be manufactured into gloves, mittens or moccasins, the duty shall only be assessed upon the increased value thereof when so manufactured.

On leather of all descriptions, tanned or partially tanned, in the rough, a duty of five per centum ad valorem.

Leather.

On leather of all descriptions, curried or finished, a duty of five per centum ad valorem: *Provided*, That all leather previously assessed in the rough and upon which duties have been actually paid shall be assessed on the increased value only when curried or finished.

On wine made of grapes, a duty of five cents per gallon.

Wine.

On all other wines or liquors known or denominated as wine, not made from currants, rhubarb, or berries, produced by being rectified or mixed with other spirits, or into which any matter whatever may be infused to be sold as wine, or by any other name, and not otherwise provided for in this act, a duty of fifty cents per gallon: *Provided*, that the returns, assessment, and collections of the duties on such wines shall be subject to the regulations of the commissioner of internal revenue. And any person who shall willingly and knowingly sell, or offer for sale, any such wine made after the passage of this act, upon which the duty herein imposed has not been paid, or which has been fraudulently evaded, shall, upon conviction thereof, be subject to a penalty of one hundred dollars, or to imprisonment not exceeding two years, at the discretion of the court.

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Penalty.

On furs of all descriptions, when made up or manufactured, a duty of five per centum ad valorem: *Provided*, That all manufactured furs, on which a duty has been previously assessed and paid before manufacture, it shall be assessed only on the increased value thereof when so manufactured.

Furs.

On cloth and all textile or knitted or felted fabrics of cotton, wool, or other materials, before the same has been dyed, printed, or bleached, and on all cloth painted, enamelled, shirred, tarred, varnished, or oiled, a duty of five per centum ad valorem: *Provided*, That thread and yarn, and warps for weaving shall be regarded as manufactures, and be subject to a duty of five per centum ad valorem.

Cloth, &c.

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On ready-made clothing, boots and shoes, gloves, mittens, and moccasins, caps, hats, and bonnets, or other articles of dress for the wear of men, women, or children, five per centum ad valorem: *Provided*, That any tailor, boot or shoe maker, hat, cap, or bonnet maker, milliner or dressmaker, exclusively engaged in manufacturing any of the foregoing articles to order as custom work, and not for sale generally, who shall make affidavit to the assessor or assistant assessor, that the entire amount of such manufactures so made does not exceed the sum of six hundred dollars per annum, shall be exempt from duty; when exceeding six hun-

Clothing.

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dred dollars per annum, a duty of three per centum ad valorem on the excess above six hundred dollars.

Cotton.

On cotton upon which no duty has been levied, collected, or paid, and which is not exempted by law, a duty of two cents per pound, which shall be and remain a lien thereon, until said duty shall have been paid, in the possession of any person or persons whomsoever.

Manufactures,
&c., of cotton.

On all manufactures of cotton, wool, silk, worsted, flax, hemp, jute, India-rubber, gutta-percha, wood, willow, glass, pottery-ware, leather, paper, iron, steel, lead, tin, copper, zinc, brass, gold, silver, horn, ivory, bone, bristles, wholly or in part, or of other materials not in this act otherwise provided for, a duty of five per centum ad valorem: *Provided*, That on all cloths dyed, printed, or bleached, on which a duty or tax shall have been paid before the same were so dyed, printed, or bleached, the said duty or tax of five per centum shall be assessed only upon the increased value thereof: *And provided, further*, That any cloth or fabrics, as aforesaid, when made of thread, yarn, or warps, upon which a duty, as aforesaid, shall have been assessed and paid, shall be assessed and pay a duty on the increased value only thereof.

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Diamonds.

On all diamonds, emeralds, precious stones, and imitations thereof, and all other jewelry, a duty of ten per centum ad valorem: *Provided*, That when diamonds, emeralds, precious stones, or imitations thereof, imported from foreign countries, or upon which import duties have been paid, shall be set or reset in gold, or any other material, the duty shall be assessed and paid upon the value only of the settings.

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Cavendish, &c.,
tobacco.

On cavendish, plug, twist, and all other kinds of manufactured tobacco, not herein provided for, from which the stem has been taken out in whole or in part, or which is sweetened, thirty-five cents per pound.

[Amended, *Post*,
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On smoking tobacco manufactured with all the stem in, the leaf not having been butted or stripped from the stem, and on refuse tobacco known as fine-cut shorts, twenty-five cents per pound.

On smoking-tobacco made exclusively of stems, and not mixed with leaf or leaf and stems, fifteen cents per pound.

Snuff.

On snuff, manufactured of tobacco, or any substitute for tobacco, ground dry or damp, pickled, scented, or otherwise, of all descriptions, thirty-five cents per pound.

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Chewing-to-
bacco.

On fine-cut chewing-tobacco, whether manufactured with the stems in or not, or however sold, whether loose, in bulk, or in packages, papers, wrappers, or boxes, thirty-five cents per pound.

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Cigarettes.

On cigarettes made of tobacco, enclosed in a paper wrapper, valued at not over five dollars per hundred packages, each containing not more than twenty-five cigarettes, one dollar per hundred packages. And all cigarettes made of tobacco enclosed in a paper wrapper, valued at over five dollars per hundred packages, as aforesaid, shall be subject to the same duties herein provided for cigars of like value.

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On cigarettes made wholly of tobacco, and also on cigars known as che-roots, or short sixes, valued in each case at not over five dollars per thousand, three dollars per thousand.

Cigars.

On cigars, valued at over five dollars and not over fifteen dollars per thousand, eight dollars per thousand.

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On cigars, valued at over fifteen dollars and not over thirty dollars per thousand, fifteen dollars per thousand.

On cigars, valued at over thirty dollars per thousand and not over forty-five dollars, twenty-five dollars per thousand.

On cigars, at over forty-five dollars per thousand, forty dollars per thousand, and the valuation of cigars herein mentioned shall in all cases be the value of the cigars exclusive of the tax.

Cigars, how to
be packed and
stamped.

And all cigars manufactured after the passage of this act shall be packed in bundles, boxes, or packages open to inspection, and correctly labelled with the number and kind contained therein, and after inspection

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unless the same shall be removed to a bonded warehouse for exportation, shall be stamped by the inspector with stamps to be provided by the commissioner of internal revenue, denoting the tax thereon, and so affixed that the bundle or box cannot be opened without effacing or destroying said stamp. And any bundle, box, or package of cigars which shall be sold, or pass out of the hands of the manufacturer, except into a bonded warehouse, without such stamps so affixed by an inspector, shall be forfeited, and may be seized wherever found, and sold, one half of the proceeds of such sale to be paid to the informer and the other to the United States. And every person, before making any cigars after the passage of this act, shall apply for and procure from the assistant assessor of the district in which he or she resides, a permit authorizing such person to carry on the trade of cigar-making, for which permit he or she shall pay said assistant assessor the sum of twenty-five cents. And every person employed, or working at the business of cigar-making in any other district than that in which he or she is a resident, shall, before making any cigars in such other district, present said permit to the assistant assessor of the district where so employed or working, and procure the indorsement of said assistant assessor thereon, authorizing said business in said district, for which indorsement the assistant assessor shall be entitled to receive from the applicant the sum of ten cents. And it shall be the duty of every assistant assessor, upon application of any person residing in his district, to furnish a permit, or to indorse upon the permit of the applicant, if resident in another district, authority to pursue the trade of cigar-making within the proper district of such assistant assessor; and said assistant assessor shall keep a record of all permits granted, or indorsed by him, showing the date of each permit, the name, residence, and place of employment of the party named therein, the name and district of the officer who originally granted the same, or who may have made any subsequent indorsements thereon, and the name or names of the party or parties by whom the person named in such permit is employed, or, if working for himself or herself, stating such fact; and every person making cigars shall keep an accurate account of all the cigars made by him or her, for whom, and their kind or quality; and, if made for any other person, shall state in said account the name of the person or persons for whom the same were made, and his or their place of business, and shall, on the first Monday of every month, deliver to the assistant assessor of the district, if required by him, a copy of such account, verified by oath or affirmation that the same is true and correct. And if any person shall make any cigars without procuring such permit, or the proper indorsement thereon, he or she shall be punished by a fine of five dollars for each day he or she shall so offend, or by imprisonment for such time as the court may order for each day's offence, not exceeding thirty days in the whole upon any one conviction. And if any person making cigars shall fail to make the return herein required, or shall make a false return, he or she shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days. And if any person, firm, company, or corporation shall employ or procure any person to make any cigars, who has not the permit or the indorsement thereon required by this act, he, she, or they shall be punished by a fine of ten dollars for each day he, she, or they shall so employ such person, or by imprisonment not exceeding ten days. And if any person shall be found making cigars without such permit, or the indorsement thereon, the collector of the district may seize any cigars, or tobacco for making cigars, which may be found in possession of such person, and the same shall be forfeited to the United States and sold; and one half of the proceeds paid to the United States, one fourth to the informer, and the other fourth to the collector making the seizure.

Cigars sold without stamps to be forfeited.

Makers to obtain permit.

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Monthly account.

Penalty for making without permit, &c.

On bullion in lump, ingot, bar, or otherwise, a duty of one half of one

Bullion.

per centum ad valorem, to be paid by the assayer of the same, who shall stamp the product of the assay as the commissioner of internal revenue, under the direction of the Secretary of the Treasury, may prescribe by general regulations. And every and all sales, transfers, exchanges, transportation, and exportation of gold or silver assayed at any mint of the United States, or by any private assayer, unless stamped as prescribed by general regulations, as aforesaid, is hereby declared unlawful; and every person or corporation who shall sell, transfer, transport, exchange, export, or deal in the same, shall be subject to a penalty of one thousand dollars for each offence, and to a fine not exceeding that sum, and to imprisonment for a term not exceeding two years nor less than six months. No jeweler, worker, or artificer in gold and silver, shall use either of those metals except it shall have first been stamped as aforesaid, as required by this act; and every violation of this section shall subject the offender to the penalties contained herein. No person or corporation shall take, transport, or cause to be transported, export, or cause to be exported from the United States any gold or silver in its natural state, uncoined or unassayed, and unstamped, as aforesaid; and for every violation of this provision every offender shall be subject to the penalties contained herein: *Provided*, That the foregoing subdivision of this section providing for a tax on gold and silver shall only be in force from and after sixty days after the passage of this act.

Sales, &c., of gold, &c., not stamped, to be unlawful.

When this part of act takes effect.

Duty on articles increased in value by polishing, &c.

SEC. 95. *And be it further enacted*, That whenever any manufactured articles, goods, wares, or merchandise on which an excise or impost duty has been paid, and which are not specially provided for, are increased in value by being polished, painted, varnished, waxed, oiled, gilded, electrotyped, galvanized, plated, framed, ground, pressed, colored, dyed, trimmed, ornamented, or otherwise more completely finished or fitted for use or sale, without changing the original character or purposes for which the same are intended to be used, there shall be levied, collected, and paid a tax of five per centum ad valorem upon the amount of such increased value, to be ascertained by deducting from the value of the finished article when sold, or removed for sale, delivery, or consumption, the cost or value of the original article to the person, firm, or company liable to the duty imposed upon the increased value thereof. The increasing of values in the manner aforesaid shall be deemed manufacturing, and any person, firm, company, or corporation engaged therein shall be liable to all the provisions of law for the collection of internal duties relating to manufacturers, as to licenses, returns, payment of taxes, liens, fines, penalties, and forfeitures.

Exempt from duty.

SEC. 96. *And be it further enacted*, That newspapers, boards, shingles, laths, and other lumber, staves, hoops, shooks, headings, and timber partially wrought and unfinished for chairs, tubs, pails, hubs, spokes, felloes, snaths, lasts, shovel and fork handles, matchwood, umbrella stretchers, alcohol made or manufactured of spirits or materials upon which the duties imposed by law shall have been paid, bone dust, plaster or gypsum, malt, burning fluid, printers' ink, flax prepared for textile or felting purposes until actually woven, marble and slate, or other building-stones in block, rough and unwrought, charcoal, coke, all flour and meal made from grain, bread and breadstuffs, butter, cheese, concentrated milk, paraffine, whale and fish oil, value of the bullion used in the manufacture of silver ware, silver bullion rolled or prepared for platers' use exclusively, materials prepared for the manufacture of hoop-skirts exclusively and unfit for other use, (such as cut tapes and small wares for joining hoops together,) shall be, and hereby are, exempt from duty. And also all goods, wares, and merchandise, and articles made or manufactured from materials which have been subject to, and upon which internal duties have been actually paid, or materials imported upon which duties have been paid, or upon which no duties have been imposed by law, where the increased value of such goods, wares, or merchandise, and articles so made or manufactured, shall

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not exceed the amount of five per centum ad valorem, shall be, and hereby are, exempt from duty.

SEC. 97. *And be it further enacted*, That every person, firm, or corporation, who shall have made any contract prior to the passage of this act, and without other provision therein for the payment of duties imposed by law enacted subsequent thereto, upon articles to be delivered under such contract, is hereby authorized and empowered to add to the price thereof so much money as will be equivalent to the duty so subsequently imposed on said articles, and not previously paid by the vendee, and shall be entitled by virtue hereof to be paid, and to sue for and recover, the same accordingly: *Provided*, That where the United States is the purchaser under such prior contract, the certificate of the proper officer of the department by which the contract was made, showing, according to regulations to be prescribed by the Secretary of the Treasury, the articles so purchased by the United States, and liable to such subsequent duty, shall be taken and received, so far as the same is applicable, in discharge of such subsequent duties on articles so contracted to be delivered to the United States and actually delivered according to such contract: —

Existing contracts.

Proviso.

AUCTION SALES.

Auction sales.

SEC. 98. *And be it further enacted*, That there shall be levied, collected, and paid, on all sales of real estate, goods, wares, merchandise, articles, or things at auction, including all sales of stocks, bonds, and other securities, a duty of one fourth of one per centum on the gross amount of such sales; and every auctioneer or other person making such sales, as aforesaid, shall, at the end of each and every month, or within ten days thereafter, make a list or return to the assistant assessor of the district of the gross amount of such sales, made as aforesaid, with the amount of duty which has accrued, or should accrue thereon, which list shall have annexed thereto a declaration under oath or affirmation, in form and manner as may be prescribed by the commissioner of internal revenue, that the same is true and correct, and shall, at the same time, as aforesaid, pay to the collector or deputy collector the amount of duty or tax thereupon, as aforesaid, and in default thereof shall be subject to and pay a penalty of five hundred dollars. In all cases of delinquency in making said list or payment the assessment and collection shall be made in the manner prescribed in the general provisions of this act: *Provided*, That no duty shall be levied under the provisions of this section upon any sales by judicial or executive officers making auction sales by virtue of a judgment or decree of any court, nor to public sales made by guardians, executors, or administrators.

What sales included.

Proviso.

BROKERS.

Brokers, &c.

SEC. 99. *And be it further enacted*, That all brokers, and bankers doing business as brokers, shall be subject to pay the following duties and rates of duty upon the sales of merchandise, produce, gold and silver bullion, foreign exchange, uncurrent money, promissory notes, stocks, bonds, or other securities as hereinafter mentioned, and shall be subject to all the provisions, where not inapplicable thereto, for the returns, assessment, collection of the duties, and liens and penalties as are prescribed for the persons, firms, companies, or corporations, owning or possessing, or having the management of railroads, steamboats, and ferry-boats, that is to say: Upon all sales of merchandise, produce, or other goods, one eighth of one per centum; upon all sales and contracts for sales of stocks and bonds, one twentieth of one per centum on the par value thereof; and of gold and silver bullion and coin, foreign exchange, promissory notes, or other securities, one twentieth of one per centum on the amount of such sales, and of all contracts for such sales: *Provided*, That any person, firm, or

Duty on sales.

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company, not being licensed as a broker, or banker, or wholesale or retail dealer, who shall sell, or offer to sell, any merchandise, produce, or gold and silver bullion, foreign exchange, uncurrent money, promissory notes, stocks, bonds, or other securities, not bona fide at the time his own property, and actually on hand, shall be liable, in addition to all other penalties provided in such cases, to pay fifty per centum in addition to the foregoing duties and rates of duty.

SEC. 100. *And be it further enacted*, That there shall be levied annually, on every carriage, yacht, billiard-table, gold watch, or pianoforte, or other musical instruments, and on all gold and silver plate the several duties or sums of money set down in figures against the same respectively, or otherwise specified and set forth in schedule A, hereto annexed, to be paid by the person or persons owning, possessing, or keeping the same on the first Monday of May in each year, and the same shall be and remain a lien thereon until paid.

SCHEDULE A.

Carriages,
yachts, billiard-
tables, &c.

Carriages.	Carriage, gig, chaise, phaeton, wagon, buggy wagon, carryall, rockaway, or other like carriage, and any coach, hackney coach, omnibus, or four-wheeled carriage, the body of which rests upon springs of any description, which may be kept for use, for hire, or for passengers, and which shall not be used exclusively in husbandry or for the transportation of merchandise, valued at fifty dollars and not exceeding one hundred dollars, including harness used therewith, each, one dollar.....	\$1 00
	Carriages of like description, valued at above one hundred dollars and not above two hundred dollars, each, two dollars.....	2 00
	Carriages of like description, valued at above two hundred dollars and not above three hundred dollars, each, three dollars.....	3 00
	Carriages of like description, valued at above three hundred dollars and not above five hundred dollars, each, six dollars.....	6 00
	Carriages of like description, valued at above five hundred dollars, each, ten dollars.....	10 00
Watches.	On gold watches, composed wholly or in part of gold or gilt, kept for use, valued at one hundred dollars or less, each, one dollar.....	1 00
	On gold watches, composed wholly or in part of gold or gilt, kept for use valued at above one hundred dollars, each, two dollars.....	2 00
Pianofortes.	On pianofortes, organs, melodions, or other parlor musical instruments, kept for use, not including those placed in churches or public edifices, valued at not less than one hundred dollars and not above two hundred dollars, each, two dollars.....	2 00
	When valued at above two hundred dollars and not above four hundred dollars, each, four dollars.....	4 00
	When valued above four hundred dollars, each, six dollars.....	6 00
Yachts.	On yachts, pleasure or racing boats, by sail or steam, measuring by custom-house measurement ten tons or less, each, five dollars.....	5 00
	Exceeding ten and not exceeding twenty tons, each, ten dollars.....	10 00
	Exceeding twenty and not exceeding forty tons, each, twenty-five dollars..	25 00
	Exceeding forty and not exceeding eighty tons, each, fifty dollars.....	50 00
	Exceeding eighty and not exceeding one hundred and ten tons, each, seventy-five dollars.....	75 00
	Exceeding one hundred and ten tons, each, one hundred dollars.....	100 00
Billiard-tables.	Billiard-tables, kept for use, ten dollars.....	10 00
	<i>Provided</i> , That billiard-tables kept for hire, and upon which a license tax has been imposed, shall not be required to pay the tax on billiard-tables kept for use as aforesaid, anything herein to the contrary notwithstanding.	
Plate.	On plate, of gold, kept for use, per ounce troy, fifty cents.....	50
	On plate, of silver, kept for use, per ounce troy, five cents.....	05
Proviso.	<i>Provided</i> , That silver spoons or plate of silver used by one family to an amount not exceeding forty ounces as aforesaid, belonging to any one person, plate belonging to religious societies, and souvenirs and keepsakes actually given and received as such, and not kept for use; also, all premiums awarded as a token of merit by any agricultural society, corporation, or association of persons, for any purpose whatever, shall be exempt from duty.	

Slaughtered
cattle, swine and
sheep.

SLAUGHTERED CATTLE, SWINE, AND SHEEP.

SEC. 101. *And be it further enacted*, That there shall be paid by any person, firm, company, or agent or employee thereof, the following duties or taxes, that is to say:—

On all cattle and calves exceeding three months old, slaughtered, except when slaughtered for the hides and tallow exclusively, forty cents per head. Slaughtered cattle, &c.

On all cattle and calves under three months old, slaughtered, five cents per head.

On all swine slaughtered, ten cents per head.

On all sheep and lambs slaughtered, five cents per head.

Provided, That cattle, not exceeding five in number, and calves, swine, sheep, and lambs, not exceeding in all twenty in number, slaughtered by any person for his or her own consumption, in any one year, shall be exempt from duty; and all sheep slaughtered for the pelts shall pay two cents only per head. Proviso.

SEC. 102. *And be it further enacted*, That on and after the date on which this act shall take effect, any person or persons, firms, or companies, or agents or employees thereof, who shall slaughter for sale, [any cattle, calves, sheep, lambs, or swine,] or who shall be the occupant of any building or premises in which such cattle, sheep, or swine shall be slaughtered, *any cattle, calves, sheep, lambs, or swine*, shall be required to make and render a list within ten days after the first day of each and every month to the assistant assessor of the district where the slaughtering is done, stating the number of cattle, calves, if any, the number of swine, if any, and the number of sheep and lambs, if any, slaughtered, as aforesaid, with the several rates of duty as fixed therein in this act, together with the whole amount thereof, which list shall have annexed thereto a declaration of said person or persons, agents or employees thereof, as aforesaid, under oath or affirmation, in such manner and form as may be prescribed by the commissioner of internal revenue, that the same is true and correct, and shall, within the time and in the manner prescribed for the payment of duties on manufactures, pay the full amount of duties accruing thereon, as aforesaid, to the collector or deputy collector of the district, as aforesaid; and in case of default in making the return or payment of the duties, as aforesaid, the assessment and collection shall be made as in the provisions of this act required; and in case of fraud or evasion, the party offending shall forfeit and pay a penalty of ten dollars per head for any cattle, calves, swine, sheep, or lambs so slaughtered upon which the duty is fraudulently withheld, evaded, or attempted to be evaded; and the commissioner of internal revenue may prescribe such further rules and regulations as he may deem necessary for ascertaining the correct number of cattle, calves, swine, sheep, and lambs liable to be taxed under the provisions of this act. Persons slaughtering to render lists monthly.

RAILROADS, STEAMBOATS, FERRY-BOATS, AND BRIDGES.

SEC. 103. *And be it further enacted*, That every person, firm, company, or corporation owning or possessing, or having the care or management of, any railroad, canal, steamboat, ship, barge, canal-boat, or other vessel, or any stage-coach or other vehicle engaged or employed in the business of transporting passengers or property for hire, or in transporting the mails of the United States, or any canal, the water of which is used for mining purposes, shall be subject to and pay a duty of two and one half per centum upon the gross receipts of such railroad, canal, steamboat, ship, barge, canal-boat, or other vessel, or such stage-coach or other vehicle: *Provided*, That the duty hereby imposed shall not be charged upon receipts for the transportation of persons or property, or mails, between the United States and any foreign port; and any person or persons, firms, companies, or corporations, owning, possessing, or having the care or management of any toll-road, ferry, or bridge, authorized by law to receive toll for the transit of passengers, beasts, carriages, teams, and freight of any description, over such toll-road, ferry, or bridge, shall be subject to and pay a Railroads, steamboats, ferry-boats, and bridges.
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duty of three per centum on the gross amount of all their receipts of every description. But when the gross receipts of any such bridge or toll-road shall not exceed the amount necessarily expended to keep such bridge or road in repair, no tax shall be imposed on such receipts: *Provided*, That all such persons, companies, and corporations shall have the right to add the duty or tax imposed hereby to their rates of fare whenever their liability thereto may commence, any limitations which may exist by law or by agreement with any person or company which may have paid or be liable to pay such fare to the contrary notwithstanding.

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Express companies.

EXPRESS COMPANIES.

SEC. 104. *And be it further enacted*, That any person, firm, company, or corporation carrying on or doing an express business, shall be subject to and pay a duty of three per centum on the gross amount of all the receipts of such express business.

Insurance companies.

INSURANCE COMPANIES.

SEC. 105. *And be it further enacted*, That there shall be levied, collected, and paid a duty of one and a half of one per centum upon the gross receipts of premiums, or assessments for insurance from loss or damage by fire or by the perils of the sea, made by every insurance company, whether inland or marine or fire insurance company, and by every association or individual engaged in the business of insurance against loss or damage by fire or by the perils of the sea; and by every person, firm, company, or corporation, who shall issue tickets or contracts of insurance against injury to persons while travelling by land or water; and a like duty shall be paid by the agent of any foreign insurance company having an office or doing business within the United States; and that in the account or return to be rendered, they shall state the amount insured, renewed, or continued, the gross amount of premiums received and assessments collected, and the duties by law accruing thereon for the quarter then next preceding.

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Passports.

PASSPORTS.

SEC. 106. *And be it further enacted*, That for every passport issued from the office of the Secretary of State, there shall be paid the sum of five dollars; which amount may be paid to any collector appointed under this act, and his receipt therefor shall be forwarded with the application for such passport to the office of the Secretary of State, or any agent appointed by him, to be transmitted to the commissioner of internal revenue, there to be charged to the account of such collector. And the collectors shall account for all moneys received for passports in the manner hereinbefore provided, and a like amount shall be paid for every passport issued by any minister or consul of the United States, who shall account therefor to the treasury.

Telegraph companies.

TELEGRAPH COMPANIES.

SEC. 107. *And be it further enacted*, That any person, firm, company, or corporation owning or possessing or having the care or management of any telegraphic line by which telegraphic despatches or messages are received or transmitted, shall be subject to, and pay a duty of, five per centum on the gross amount of all receipts of such person, firm, company or corporation.

Theatres, &c.

THEATRES, OPERAS, CIRCUSES, AND MUSEUMS.

SEC. 108. *And be it further enacted*, That any person, firm, or corporation, or the manager or agent thereof, owning, conducting, or having the

care or management of any theatre, opera, circus, museum, or other public exhibition of dramatic or operatic representations, plays, performances, musical entertainments, feats of horsemanship, acrobatic sports, or other shows which are opened to the public for pay, but not including occasional concerts, school exhibitions, lectures, or exhibitions of works of art, shall be subject to and pay a duty of two per centum on the gross amount of all receipts derived by such person, firm, company, or corporation from such representations, plays, performances, exhibitions, shows, or musical entertainments.

Theatres, operas, &c.

SEC. 109. *And be it further enacted,* That any person, firm, company, or corporation owning or possessing, or having the care or management of, any railroad, canal, steamboat, ship, barge, canal-boat, or other vessel, or any ferry, toll-road or bridge, as enumerated and described in section one hundred and two [three] of this act; or carrying on or doing an express business; or engaged in the business of insurance, as hereinbefore described; or owning or having the care and management of any telegraph line, or owning, possessing, leasing, or having the control or management of any circus, theatre, opera, or museum, shall within twenty days after the end of each and every month, make a list or return in duplicate to the assistant assessor of the district, stating the gross amount of their receipts, respectively, for the month next preceding, which return shall be verified by the oath or affirmation of such owner, possessor, manager, agent, or other proper officer, in the manner and form to be prescribed from time to time by the commissioner of internal revenue; and shall also pay to the collector the full amount of duties which have accrued on such receipts for the month aforesaid. And in case of neglect or refusal to make said lists or return for the space of ten days after such return should have been made as aforesaid, the assessor or assistant assessor shall proceed to estimate the amount received and the duties payable thereon, and shall add thereto ten per centum, as hereinbefore provided in other cases of delinquency, to make return for purposes of assessment; and for the purpose of making such assessment, or of ascertaining the correctness of any such return, the books of any such person, firm, company, or corporation shall be subject to the inspection of the assessor or assistant assessor on his demand or request therefor. And in case of neglect or refusal to pay the duties, with the addition aforesaid, when the same have been ascertained, for the space of ten days after the same shall have become payable, the owner, possessor, or person having the management as aforesaid, shall pay, in addition, ten per centum on the amount of such duties and addition; and for any attempt knowingly to evade the payment of such duties, the said owner, possessor, or person having the care or management as aforesaid, shall be liable to pay a penalty of one thousand dollars for every such attempt, to be recovered as provided in this act for the recovery of penalties. And all provisions of this act in relation to liens and collections by distraint, not incompatible herewith, shall apply to this section and the objects therein embraced.

Persons having charge of railroads, &c., to make monthly returns to assessors, and pay duties monthly.

Post, p. 479.

Proceedings in case of neglect or refusal.

BANKS AND BANKING.

SEC. 110. *And be it further enacted,* That there shall be levied, collected, and paid a duty of one twenty-fourth of one per centum each month upon the average amount of the deposits of money, subject to payment by check or draft, or represented by certificates of deposit or otherwise, whether payable on demand or at some future day, with any person, bank, association, company or corporation engaged in the business of banking; and a duty of one twenty-fourth of one per centum each month as aforesaid, upon the average amount of the capital of any bank, association, company, or corporation, or person engaged in the business of banking beyond the amount invested in United States bonds; and a duty of

Banks and banking.

Duty on deposits;

on capital.

one twelfth of one per centum each month upon the average amount of circulation issued by any bank, association, corporation, company, or person, including as circulation all certified checks and all notes and other obligations calculated or intended to circulate or to be used as money, but not including that in the vault of the bank, or redeemed and on deposit for said bank; and an additional duty of one sixth of one per centum, each month, upon the average amount of such circulation, issued as aforesaid, beyond the amount of ninety per centum of the capital of any such bank, association, corporation, company, or person, and upon any amount of such circulation, beyond the average amount of the circulation that had been issued as aforesaid by any such bank, association, corporation, company, or person, for the six months preceding the first day of July, eighteen hundred and sixty-four. And on the first Monday of August next, and of each month thereafter, a true and accurate return of the amount of circulation, of deposit, and of capital as aforesaid, for the previous month, shall be made and rendered in duplicate by each of such banks, associations, corporations, companies, or persons to the assessor of the district in which any such bank, association, corporation, or company may be located, or in which such person may reside, with a declaration annexed thereto, and the oath or affirmation of such person, or of the president or cashier of such bank, association, corporation, or company, in such form and manner as may be prescribed by the commissioner of internal revenue, that the same contains a true and faithful statement of the amount of circulation, deposits, and capital as aforesaid, subject to duty as aforesaid, and shall transmit the duplicate of said return to the commissioner of internal revenue, and within twenty days thereafter shall pay to the said commissioner of internal revenue the duties hereinbefore prescribed upon the said amount of circulation, of deposits, and of capital, as aforesaid, and for any refusal or neglect to make or to render such return and payment as aforesaid, any such bank, association, corporation, company, or person so in default shall be subject to and pay a penalty of two hundred dollars, besides the additional penalty and forfeitures in other cases provided in this act; and the amount of circulation, deposit, and capital, as aforesaid, in default of the proper return, shall be estimated by the assessor or assistant assessor of the district as aforesaid, upon the best information he can obtain; and every such penalty, together with the duties as aforesaid, may be recovered for the use of the United States in any court of competent jurisdiction. And in the case of banks with branches, the duty herein provided for shall be imposed upon the circulation of each branch, severally, and the amount of capital of each branch shall be considered to be the amount allotted to such branch; and so much of an act entitled "An act to provide ways and means for the support of the government," approved March three, eighteen hundred and sixty-three, as imposes any tax on banks, their circulation, capital, or deposits, other than is herein provided, is hereby repealed: *Provided*, That this section shall not apply to associations which are taxed under and by virtue of the act "to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof;" nor to any savings-bank having no capital stock, and whose business is confined to receiving deposits and loaning the same on interest for the benefit of the depositors only, and which do no other business of banking: *And provided, further*, That any bank ceasing to issue notes for circulation, and which shall deposit in the treasury of the United States, in lawful money, the amount of its outstanding circulation, to be redeemed at par, under such regulations as the Secretary of the Treasury may prescribe, shall be exempt from any tax upon such circulation.

Duty on circulation.

Monthly returns.

Monthly payments.

Branch-banks.

1863, ch. 73, § 7.
Vol. xii. p. 712.

1863, ch. 58,
Vol. xii. p. 665.

[Clause stricken out, *post*, p. 479.]

What banks exempt.

LOTTERIES.

Lotteries.

SEC. 111. *And be it further enacted,* That every individual partnership, firm, and association, being proprietors, managers, or agents of lotteries, shall pay a tax of five per centum on the gross amount of the receipts from the said business; and all persons making such sales shall, within ten days after the first day of each and every month, make and render a list or return in duplicate to the assistant assessor of the gross amount of such sales, made as aforesaid, with the amount of duty which has accrued or should accrue thereon; which list shall have annexed thereto a declaration, under oath or affirmation, in such form and signed by such officer, agent, or clerk, as may be prescribed by the commissioner of internal revenue, that the same is true and correct, and that the said proprietors, managers, and agents shall, on or before the twentieth day of each and every month, as aforesaid, pay the collector or deputy collector of the proper district the amount of the duty or tax as aforesaid. And in default of making such lists or returns, the said proprietors, managers, and agents, and all other persons making such sales, shall be subject to and pay a penalty of one thousand dollars, besides the additions, penalties, and forfeitures in other cases provided; and the said proprietors, managers, and agents shall, in default of paying the said duty or tax at the time herein required, be subject to and pay a penalty of one thousand dollars, or be imprisoned not exceeding one year. In all cases of delinquency in making said list, return, or payment, the assessments and collections shall be made in the manner prescribed in the provisions of this act in relation to manufactures, articles, and products: *Provided,* That the managers of any sanitary fair, or of any charitable, benevolent, or religious association, may apply to the collector of the district and present to him proof that the proceeds of any contemplated lottery, raffle, or gift enterprise will be applied to the relief of sick and wounded soldiers, or to some other charitable use, and thereupon the commissioner shall grant a permit to hold such lottery, raffle, or gift enterprise, and the said sanitary fair, or charitable or benevolent association, shall be exempt from all charge, whether from tax or license, in respect of such lottery, raffle, or gift enterprise: *Provided, further,* That nothing in this section contained shall be construed to legalize any lottery.

Duty.

Monthly lists; to be given to &c.

Monthly payments.

Penalty for default in making lists.

Raffles at fairs.

No lottery legalized.

Lottery tickets to be stamped.

SEC. 112. *And be it further enacted,* That each lottery ticket, or certificate supplementary thereto, shall be legibly stamped at the time of sale with the name of the vendor and the date of such sale, under a penalty of fifty dollars, to be paid by the vendor of each lottery ticket or certificate supplementary thereto sold without being first stamped as aforesaid.

SEC. 113. *And be it further enacted,* That in addition to all other penalties and forfeitures now imposed by law for the evasion of license fees or other taxes upon the lottery business, any person who shall hereafter sell or dispose of any lottery ticket or certificate supplementary thereto, or any device in the nature thereof, without having first duly obtained a license, as hereinbefore mentioned, shall incur a penalty of five hundred dollars for each and every such offence; and any person who shall purchase, obtain, or receive any lottery ticket, or any policy of numbers, tokens, certificate, wager, or device, representing or intended to represent a lottery ticket, or fractional part thereof, from any person not having a license to deal in lottery tickets, as provided by law, may recover from such person of whom the same was purchased, obtained, or received, at any time within three years thereafter, before any court of competent jurisdiction, a sum equal to twice the amount paid for the same, with just and legal costs.

Penalty for selling lottery tickets without license.

Advertisements.

ADVERTISEMENTS.

SEC. 114. *And be it further enacted,* That there shall be levied, collected, and paid by any person or persons, firm, or company, publishing any newspaper, magazine, review, or other literary, scientific, or news publication, issued periodically, on the gross receipts for all advertisements, or all matters for the insertion of which in said newspaper or other publication, as aforesaid, or in extras, supplements, sheets, or fly-leaves accompanying the same, pay is required or received, a duty of three per centum; and the person or persons, firm, or company, owning, possessing, or having the care or management of any and every such newspaper, or other publication, as aforesaid, shall make a list or return on the first day of January, April, July, and October of each year, containing the gross amount of receipts as aforesaid, and the amount of duties which have accrued thereon, and render the same in duplicate to the assistant assessor of the district where such newspaper, magazine, review, or other literary or news publication is or may be published; which list or return shall have annexed a declaration, under oath or affirmation, to be made according to the manner and form which may be from time to time prescribed by the commissioner of internal revenue, of the owner, possessor, or person having the care or management of such newspaper, magazine, review, or other publication, as aforesaid, that the same is true and correct; and shall also, quarterly, within ten days after the time of making said list or return, pay to the collector or deputy collector of the district the full amount of said duties. And in case of neglect or refusal to comply with any of the provisions contained in this section, or to make and render said list or return, for the space of ten days after the time when said list or return ought to have been made, as aforesaid, the assistant assessors of the respective districts shall proceed to estimate the duties as heretofore provided in other cases of delinquency; and in case of neglect or refusal to pay the duties, as aforesaid, for the space of ten days after said duties become due and payable, and have been demanded, said owner, possessor, or person or persons having the care or management of said newspapers or publications, as aforesaid, shall pay, in addition thereto, a penalty of ten per centum on the amount due. And in case of fraud or evasion, whereby the revenue is attempted to be defrauded, or the duty withheld, said owners, possessors, or person or persons having the care or management of said newspapers or other publications, as aforesaid, shall forfeit and pay a penalty of one thousand dollars for each offence, or for any sum fraudulently unaccounted for. And all provisions in this act in relation to returns, additions, penalties, forfeitures, liens, assessments, and collection, not incompatible herewith, shall apply to this section and the objects herein embraced: *Provided,* That in all cases where the rate or price of advertising is fixed by any law of the United States, state, or territory, it shall be lawful for the company, person or persons, publishing said advertisements, to add the duty or tax imposed by this act to the price of said advertisements, any law to the contrary notwithstanding; and that the receipts for advertisements to the amount of six hundred dollars annually, by any person or persons, firm, or company publishing any newspaper, magazine, review, or other literary, scientific, or news publication, issued periodically, shall be exempt from duty: *And provided, further,* That all newspapers whose average circulation does not exceed two thousand copies, shall be exempted from all taxes for advertisements.

Quarterly returns.

Payments.
Penalty for neglect;

for fraud or evasion.

Proviso.

Exemption.

If a person has more than one place of business, tax to be collected where.

SEC. 115. *And be it further enacted,* That whenever by this act any license, duty, or tax of any description has been imposed on any person or corporate body, or property of any person, or incorporated or unincorporated company, having more than one place of business, it shall be lawful for the commissioner of internal revenue to prescribe and

determine in what district such tax shall be assessed and collected, and to what officer thereof the official notices required in that behalf shall be given, and of whom payment of such tax shall be demanded: *Provided*, That all taxes on manufactures, manufacturing companies, and manufacturing corporations shall be assessed, and the tax collected, in the district within which the place of manufacture is located, unless otherwise provided.

Tax on manufactures, collected where.

INCOME.

Income duty.

SEC. 116. *And be it further enacted*, That there shall be levied, collected, and paid annually upon the annual gains, profits, or income of every person residing in the United States, or of any citizen of the United States residing abroad, whether derived from any kind of property, rents, interests, dividends, salaries, or from any profession, trade, employment, or vocation, carried on in the United States or elsewhere, or from any other source whatever, except as hereinafter mentioned, if such annual gains, profits, or income, exceed the sum of six hundred dollars, a duty of five per centum on the excess over six hundred dollars and not exceeding five thousand dollars; and a duty of seven and one half of one per centum per annum on the excess over five thousand dollars and not exceeding ten thousand dollars; and a duty of ten per centum on the excess over ten thousand dollars. And the duty herein provided for shall be assessed, collected, and paid upon the gains, profits, or income for the year ending the thirty-first day of December next, preceding the time for levying, collecting, and paying said duty: *Provided*, That income derived from interest upon notes, bonds, and other securities of the United States, shall be included in estimating incomes under this section: *Provided*, That only one deduction of six hundred dollars shall be made from the aggregate incomes of all the members of any family composed of parents and minor children, or husband and wife, except in cases where such separate income shall be derived from the separate and individual estate, gains, or labor of the wife or child: *And provided, further*, That net profits realized by sales of real estate purchased within the year for which income is estimated, shall be chargeable as income; and losses on sales of real estate purchased within the year, for which income is estimated, shall be deducted from the income of such year.

[Amended, *Post*, p. 479.]

Sources of income.

Rate.

When assessed and payable.

Provisos.

Deductions.

Profits and losses on sales of real estate.

SEC. 117. *And be it further enacted*, That in estimating the annual gains, profits, or income of any person, all national, state, and municipal taxes, other than the national income tax, lawfully assessed within the year upon the property or sources of income of any person, as aforesaid, from which said annual gains, profits, or income is or should be derived, shall be deducted, in addition to six hundred dollars, from the gains, profits, or income of the person who has actually paid the same, whether owner, tenant, or mortgagor; also the salary or pay received for services in the civil, military, naval, or other service of the United States, including senators, representatives, and delegates in congress, above the rate of six hundred dollars per annum; and there shall also be deducted the income derived from dividends on shares in the capital stock of any bank, trust company, savings institution, insurance, railroad, canal, turnpike, canal navigation, or slack-water company, and the interest on any bonds or other evidences of indebtedness of any such corporation or company, which shall have been assessed and the tax paid, as hereinafter provided; also the amount paid by any person for the rent of the homestead used or occupied by himself or his family, and the rental value of any homestead used or occupied by any person, or by his family, in his own right or in the right of his wife, shall not be included and assessed as part of the income of such person. In estimating the annual gains, profits, or income of any person, the interest over and above the amount of interest paid upon all notes, bonds, and mortgages, or other forms of indebtedness,

Taxes to be deducted.

[Amended, *Post*, p. 479.]

Dividends on shares already assessed.

Annual gains, how estimated.

Annual gains, bearing interest, whether due and paid or not, if good and collectable, how estimated. shall be included and assessed as part of the income of such person for each year; and also all income or gains derived from the purchase and sale of stocks or other property, real or personal, and the increased value of live stock, whether sold or on hand, and the amount of sugar, wool, butter, cheese, pork, beef, mutton, or other meats, hay, and grain, or other vegetable or other productions of the estate of such person sold, not including any part thereof unsold or on hand during the year next preceding the thirty-first of December, shall be included and assessed as part of the income of such person for each year, and the gains and profits of all companies, whether incorporated or partnership, other than the companies specified in this section, shall be included in estimating the annual gains, profits, or income of any person entitled to the same, whether divided or otherwise. In estimating deductions from income, as aforesaid, when any person rents buildings, lands, or other property, or hires labor to carry on land, or to conduct any other business from which such income is actually derived, or pays interest upon any actual incumbrance thereon, the amount actually paid for such rent, labor, or interest shall be deducted; and also the amount paid out for usual or ordinary repairs, not exceeding the average paid out for such purposes for the preceding five years, shall be deducted, but no deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments, made to increase the value of any property or estate: *Provided*, That in cases where the salary or other compensation paid to any person in the employment or service of the United States, shall not exceed the rate of six hundred dollars per annum, or shall be by fees, or uncertain or irregular in the amount or in the time during which the same shall have accrued or been earned, such salary or other compensation shall be included in estimating the annual gains, profits, or income of the person to whom the same shall have been paid, in such manner as the commissioner of internal revenue, under the direction of the Secretary of the Treasury, may prescribe.

Annual deductions, how estimated.

Proviso.

Lists of income to be returned under oath;

[Amended, *Post*, p. 480.]

to state what.

In case of neglect, &c., to make return.

Proviso.

SEC. 118. *And be it further enacted*, That it shall be the duty of all persons of lawful age, and all guardians and trustees, whether such trustees are so by virtue of their office as executors, administrators, or in other fiduciary capacity, to make a list or return under oath or affirmation, in such form and manner as may be prescribed by the commissioner of internal revenue, to the assistant assessor of the district in which he resides, of the amount of his or her income, or the income of such minors or persons as may be held in trust as aforesaid, according to the requirements hereinbefore mentioned, stating the sources from which said income is derived, whether from any kind of property, or the purchase and sale of property, rents, interest, dividends, salaries, or from any profession, trade, employment, or vocation, or otherwise. And in case of neglect or refusal to make such return, the assessor or assistant assessor shall assess the amount of his or her income, and the duty thereon, in the same manner as is provided for in other cases of neglect and refusal to furnish lists or returns in the provisions of this act, where not otherwise incompatible; and the assistant assessor may increase the amount of the list or return, or of any party making such return, if he shall be satisfied that the same is understated: *Provided*, That any party, in his or her own behalf, or as guardian or trustee, as aforesaid, shall be permitted to declare, under oath or affirmation, the form and manner of which shall be prescribed by the commissioner of internal revenue, that he or she was not possessed of an income of six hundred dollars, liable to be assessed according to the provisions of this act, or may declare that he or she has been assessed elsewhere in the same year for, and has paid an income duty under authority of the United States, and shall thereupon be exempt from income duty in said district; or, if the list or return of any party shall have been

increased by the assistant assessor, in manner as aforesaid, such party may be permitted to declare, under oath or affirmation, the amount of annual income, or the amount held in trust, as aforesaid, liable to be assessed, and the same, so declared, shall be received by such assistant assessor as true, and as the sum upon which duties are to be assessed and collected, except that the deductions claimed in such cases shall not be made or allowed until approved by the assistant assessor. But any person feeling aggrieved by the decision of the assistant assessor in such cases, may appeal to the assessor of the district, and his decision thereon shall be final; and the form, time, and manner of proceedings shall be subject to rules and regulations to be prescribed by the commissioner of internal revenue.

Proceedings, if list has been increased by assessors.

Appeal.

SEC. 119. *And be it further enacted,* That the duties on incomes herein imposed shall be levied on the first day of May, and be due and payable on or before the thirtieth day of June, in each year, until and including the year eighteen hundred and seventy, and no longer; and to any sum or sums annually due and unpaid for thirty days after the thirtieth of June, as aforesaid, and for ten days after demand thereof by the collector, there shall be levied in addition thereto the sum of ten per centum on the amount of duties unpaid, as a penalty, except from the estates of deceased and insolvent persons. And if any person liable to pay such duty shall neglect or refuse to pay the same, after such demand, the amount due shall be a lien in favor of the United States from the time it was due until paid, with the interest, penalties, and costs that may accrue in addition thereto, upon all the property and rights to property belonging to such person; and in default of the payment of said duty aforesaid, said lien may be enforced by distraint upon such property, rights to property, stocks, securities, and evidences of debt, by whomsoever holden; and for this purpose the collector, after demands duly given, as aforesaid, shall issue a warrant, in form and manner to be prescribed by the commissioner of internal revenue, under the directions of the Secretary of the Treasury, and by virtue of such warrant there may be levied on such property, rights to property, stocks, securities, and evidences of debt, a further sum, to be fixed and stated in such warrant, over and above the said annual duty, interest, and penalty for non-payment, sufficient for the fees, costs, and expenses of such levy. And in all cases of sale, as aforesaid, the certificate of such sale by the collector shall vest in the purchaser all right, title, and interest of such delinquent in and to such property, whether the property be real or personal; and where the subject of sale shall be stocks, the certificate of said sale shall be lawful authority and notice to the proper corporation, company, or association, to record the same on the books or records, in the same manner as if transferred or assigned by the person or party holding the same, to issue new certificates of stock therefor in lieu of any original or prior certificates, which shall be void whether cancelled or not. And said certificates of sale of the collector, where the subject of sale shall be securities or other evidences of debt, shall be good and valid receipts to the person holding the same, as against any person holding, or claiming to hold, possession of such securities or other evidences of debt.

Duties on incomes, when payable.

Post, p. 481.

Penalty for neglect or refusal to pay.

Levy.

Sale.

SEC. 120. *And be it further enacted,* That there shall be levied and collected a duty of five per centum on all dividends in scrip or money thereafter declared due, and whenever the same shall be payable, to stockholders, policy-holders, or depositors, as part of the earnings, income, or gains of any bank, trust company, savings institution, and of any fire, marine, life, inland insurance company, either stock or mutual, under whatever name or style known or called, in the United States or territories, whether specially incorporated or existing under general laws, and on all undistributed sums, or sums made or added during the year to their surplus or contingent funds; and said banks, trust companies, savings in-

Duty on dividends in scrip.

stitutions, and insurance companies shall pay the said duty, and are hereby authorized to deduct and withhold from all payments made on account of any dividends or sums of money that may be due and payable as aforesaid, the said duty of five per centum. And a list or return shall be made and rendered to the assessor or assistant assessor in duplicate, and one of said lists or returns shall be transmitted, and the duty paid to the commissioner of internal revenue within thirty days after the time when any dividends or sums of money become due or payable as aforesaid; and said list or return shall contain a true and faithful account of the amount of duties as aforesaid; and there shall be annexed thereto a declaration of the president, cashier, or treasurer of the bank, trust company, savings institution, or insurance company, under oath or affirmation, in form and manner as may be prescribed by the commissioner of internal revenue, that the same contains a true and faithful account of the duties as aforesaid. And for any default in the making or rendering of such list or return, with such declaration annexed, the bank, trust company, savings institution, or insurance company, making such default, shall forfeit as a penalty the sum of one thousand dollars; and in case of any default in making or rendering said list or return, or of any default in the payment of the duty as required, or any part thereof, the assessment and collection of the duty and penalty shall be in accordance with the general provisions of law in other cases of neglect and refusal: *Provided*, That the duty upon the dividends of life insurance companies shall not be deemed due or to be collected until such dividends shall be payable by such companies, nor shall the portion of premiums returned by mutual life insurance companies to their policy holders be considered as dividends or profits under this act.

Lists in duplicate.

Penalty for default in making duplicate.

Proviso.

Post, p. 481.

Banks neglecting to make additions to surplus fund, to return semi-annually amount of profits.

SEC. 121. *And be it further enacted*, That any bank legally authorized to issue notes as circulation, which shall neglect or omit to make dividends or additions to its surplus or contingent fund as often as once in six months, shall make a list or return in duplicate, under oath or affirmation of the president or cashier, to the assessor or assistant assessor of the district in which it is located, on the first day of January and July in each year, or within thirty days thereafter, of the amount of profits which have accrued or been earned and received by said bank during the six months next preceding said first days of January and July; and shall present one of said lists or returns and pay to the collector of the district a duty of five per centum on such profits; and in case of default to make such list or return and payment within the thirty days as aforesaid, shall be subject to the provisions of the foregoing section of this act: *Provided*, That when any dividend is made which includes any part of the surplus or contingent fund of any bank, trust company, savings institution, insurance or railroad company, which has been assessed and the duty paid thereon, the amount of duty so paid on that portion of the surplus or contingent fund may be deducted from the duty on such dividend.

Proviso.

Railroad and other corporation bonds.

SEC. 122. *And be it further enacted*, That any railroad, canal, turnpike, canal navigation, or slackwater company indebted for any money for which bonds or other evidence of indebtedness have been issued, payable in one or more years after date, upon which interest is stipulated to be paid, or coupons representing the interest, or any such company that may have declared any dividend in scrip, or money due or payable to its stockholders, as part of the earnings, profits, income, or gains of such company, and all profits of such company carried to the account of any fund, or used for construction, shall be subject to and pay a duty of five per centum on the amount of all such interest, or coupons, dividends, or profits, whenever the same shall be payable; and said companies are hereby authorized to deduct and withhold from all payments, on account of any interest, or coupons and dividends due and payable as aforesaid, the duty of five per centum; and the payment of the amount of said duty so deducted from

the interest, or coupons, or dividends, and certified by the president or treasurer of said company, shall discharge said company from that amount of the dividend, or interest, or coupon, on the bonds or other evidences of their indebtedness so held by any person or party whatever, except where said companies may have contracted otherwise. And a list or return shall be made and rendered to the assessor or assistant assessor in duplicate, and one of said lists or returns shall be transmitted and the duty paid to the commissioner of internal revenue within thirty days after the time when said interest, coupons, or dividends become due and payable, and as often as every six months; and said list or return shall contain a true and faithful account of the amount of the duty, and there shall be annexed thereto a declaration of the president or treasurer of the company, under oath or affirmation, in form and manner as may be prescribed by the commissioner of internal revenue, that the same contains a true and faithful account of said duty. And for any default in making or rendering such list or return, with the declaration annexed, or of the payment of the duty as aforesaid, the company making such default shall forfeit as a penalty the sum of one thousand dollars; and in case of any default in making or rendering said list or return, or of the payment of the duty, or any part thereof, as aforesaid, the assessment and collection of the duty and penalty shall be made according to the provisions of law in other cases of neglect or refusal.

Returns.

Default in making returns.

SEC. 123. *And be it further enacted*, That there shall be levied, collected, and paid, on all salaries of officers, or payments for services to persons in the civil, military, naval, or other employment or service of the United States, including senators and representatives and delegates in congress, when exceeding the rate of six hundred dollars per annum, a duty of five per centum on the excess above the said six hundred dollars; and it shall be the duty of all paymasters, and all disbursing officers, under the government of the United States, or in the employ thereof, when making any payments to officers and persons as aforesaid, or upon settling and adjusting the accounts of such officers and persons, to deduct and withhold the aforesaid duty of five per centum, and shall, at the same time, make a certificate stating the name of the officer or person from whom such deduction was made, and the amount thereof, which shall be transmitted to the office of the commissioner of internal revenue, and entered as part of the internal duties; and the pay-roll, receipts, or account of officers or persons paying such duty, as aforesaid, shall be made to exhibit the fact of such payment. And it shall be the duty of the several auditors of the Treasury Department, when auditing the accounts of any paymaster or disbursing officer, or when settling or adjusting the accounts of any such officer, to require evidence that the duties or taxes mentioned in this section have been deducted or paid over to the commissioner of internal revenue: *Provided*, That payments of prize money shall be regarded as income from salaries, and the duty thereon shall be adjusted and collected in like manner.

Duty on incomes of those in the United States service.

Disbursing officers to deduct the amounts.

LEGACIES AND DISTRIBUTIVE SHARES OF PERSONAL PROPERTY.

Legacies, &c.

SEC. 124. *And be it further enacted*, That any person or persons having in charge or trust, as administrators, executors, or trustees, any legacies or distributive shares arising from personal property, where the whole amount of such personal property, as aforesaid, shall exceed the sum of one thousand dollars in actual value, passing, after the passage of this act, from any person possessed of such property, either by will or by the intestate laws of any state or territory, or any personal property or interest therein, transferred by deed, grant, bargain, sale, or gift, made or intended to take effect in possession or enjoyment after the death of the grantor or bargainor, to any person or persons, or to any body or bodies politic or

Duty on legacies, &c.

corporate, in trust or otherwise, shall be, and hereby are, made subject to a duty or tax, to be paid to the United States, as follows, that is to say:—

First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother or sister, to the person who died possessed of such property, as aforesaid, at the rate of one dollar for each and every hundred dollars of the clear value of such interest in such property.

Second. Where the person or persons entitled to any beneficial interest in such property shall be a descendant of a brother or sister of the person who died possessed, as aforesaid, at the rate of two dollars for each and every hundred dollars of the clear value of such interest.

Third. Where the person or persons entitled to any beneficial interest in such property shall be a brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother, of the person who died possessed, as aforesaid, at the rate of four dollars for each and every hundred dollars of the clear value of such interest.

Fourth. Where the person or persons entitled to any beneficial interest in such property shall be a brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother, of the person who died possessed as aforesaid, at the rate of five dollars for each and every hundred dollars of the clear value of such interest.

Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, at the rate of six dollars for each and every hundred dollars of the clear value of such interest: *Provided*, That all legacies or property passing by will, or by the laws of any state or territory, to husband or wife of the person who died possessed, as aforesaid, shall be exempt from tax or duty.

What exempt from tax.

Duty to be a lien.

SEC. 125. *And be it further enacted*, That the tax or duty aforesaid shall be a lien and charge upon the property of every person who may die as aforesaid, for twenty years, or until the same shall, within that period, be fully paid to and discharged by the United States; and every executor, administrator, or trustee, before payment and distribution to the legatees, or any parties entitled to beneficial interest therein, shall pay to the collector or deputy collector of the district of which the deceased person was a resident, the amount of the duty or tax assessed upon such legacy or distributive share, and shall also make and render to the assessor or assistant assessor of the said district a schedule, list, or statement, in duplicate, of the amount of such legacy or distributive share, together with the amount of duty which has accrued, or shall accrue, thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to administer such oaths, in such form and manner as may be prescribed by the commissioner of internal revenue, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest, the duplicate of which schedule, list, or statement shall be by him immediately delivered, and the tax thereon paid to such collector; and upon such payment and delivery of such schedule, list, or statement, said collector or deputy collector shall grant to such person, paying such duty or tax, a receipt or receipts for the same in duplicate, which shall be prepared as hereinafter provided. Such receipt or receipts, duly signed and delivered by such collector or deputy collector, shall be sufficient evidence to entitle such executor, administrator, or trustee, to be credited and allowed such payment by every tribunal which, by the laws of any state or territory, is, or may be, empowered to decide upon and settle the accounts of executors and adminis-

Lists.

trators. And in case such executor, administrator, or trustee, shall refuse or neglect to pay the aforesaid duty or tax to the collector or deputy collector, as aforesaid, within the time hereinbefore provided, or shall neglect or refuse to deliver to said collector or deputy collector the duplicate of the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall neglect or refuse to deliver the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said assessor or assistant assessor a false schedule or statement of such legacies, property, or personal estate, or give the names and relationship of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the assistant assessor shall make out such lists and valuation as in other cases of neglect or refusal, and shall assess the duty thereon; and the collector shall commence appropriate proceedings before any court of the United States, in the name of the United States, against such person or persons as may have the actual or constructive custody or possession of such property or personal estate, or any part thereof, and shall subject such property or personal estate, or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and expenses of every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court, to be paid under its direction to such person or persons as shall establish title to the same. The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof, so sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the delinquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate from the lien or charge thereon created by this act. And every person or persons who shall have in his possession, charge, or custody, any record, file, or paper containing, or supposed to contain, any information concerning such property or personal estate, as aforesaid, passing from any person who may die, as aforesaid, shall exhibit the same at the request of the assessor or assistant assessor of the district, and to any law officer of the United States, in the performance of his duty under this act, his deputy or agent, who may desire to examine the same. And if any such person, having in his possession, charge, or custody, and [any] such records, files, or papers, shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay the sum of five hundred dollars: *Provided*, [That] in all legal controversies where such deed or title shall be the subject of judicial investigation, the recital in said deed shall be prima facie evidence of its truth, and that the requirements of the law had been complied with by the officers of the government.

Refusal or neglect to pay.

False schedules.

Property to be sold.

Effect of deed of sale.

Persons having papers relating to succession to exhibit them to assessor, &c.

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SUCCESSION TO REAL ESTATE.

Succession to real estate.

SEC. 126. *And be it further enacted*, That for the purposes of this act the term "real estate" shall include all lands, tenements, and hereditaments, corporeal and incorporeal; that the term "succession" shall denote the devolution of title to any real estate; and that the term "person" shall be held to include persons, body corporate, company, or association.

Real estate to include what.

SEC. 127. *And be it further enacted*, That every past or future disposition of real estate by will, deed, or laws of descent, by reason whereof any perso[n] shall become beneficially entitled, in possession or expect-

"Succession,"
"successor,"
"predecessor" to
mean what.

A charge upon
real estate termi-
nated by death to
be a "succes-
sion."

Persons taking
succession
jointly, how to
pay duty.

Benefits accru-
ing from termina-
tion by death of
charge on real
estate to be a
"succession."

Where title
passes, but bene-
ficial ownership
remains.

Deed without
valuable consid-
eration to con-
fer a succession
upon grantee.

Duties on suc-
cessions.

tancy, to any real estate, or the income thereof, upon the death of any person dying after the passing of this act, shall be deemed to confer, on the person entitled by reason of any such disposition, a "succession;" and the term "successor" shall denote the person so entitled; and the term "predecessor" shall denote the grantor, testator, ancestor, or other person from whom the interest of the successor has been or shall be derived.

SEC. 128. *And be it further enacted,* That where any real estate shall, at or after the passing of this act, be subject to any charge, estate, or interest, determinable by the death of any person, or at any period ascertainable only by reference to death, the increase of benefit accruing to any person upon the extinction or determination of such charge, estate, or interest, shall be deemed to be a succession accruing to the person then entitled, beneficially, to the real estate or the income thereof.

SEC. 129. *And be it further enacted,* That where any persons, after the passing of this act, shall take any succession jointly, they shall pay the duty chargeable thereon by this act in proportion to their respective interests in the succession; and any beneficial interest in such succession, accruing to any of them by survivorship, shall be deemed to be a new succession, derived from the predecessor from whom the joint title shall have been derived.

SEC. 130. *And be it further enacted,* That where any disposition of real estate shall be accompanied by the reservation or assurance of, or contract for, any benefit to the grantor, or any other person, for any term of life, or for any period ascertainable only by reference to death, such disposition shall be deemed to confer at the time appointed for the determination of such benefit an increase of beneficial interest in such real estate, as a succession equal in annual value to the yearly amount or yearly value of the benefit so reserved, assured, or contracted for, on the person in whose favor such disposition shall be made.

SEC. 131. *And be it further enacted,* That where any disposition of real estate shall purport to take effect presently, or under such circumstances as not to confer succession, but, by the effect or in consequence of any engagement, secret trust, or arrangement capable of being enforced in a court of law or equity, the beneficial ownership of such real estate shall not, bona fide, pass according to the terms of such disposition, but shall, in fact, be reserved to the grantor or other person for some period ascertainable only by reference to death, the person shall be deemed, for the purposes of this act, to acquire the real estate so passing as a succession derived from the person making the disposition as the predecessor.

SEC. 132. *And be it further enacted,* That if any person shall, by deed of gift, or other assurance of title, made without valuable and adequate consideration, and purporting to vest the estate either immediately or in the future, whether or not accompanied by the possession, convey any real estate to any person, such disposition shall be held and taken to confer upon the grantee a succession within the meaning of this act.

SEC. 133. *And be it further enacted,* That there shall be levied and paid to the United States in respect of every such succession as aforesaid, according to the value thereof, the following duties, that is to say:—

Where the successor shall be the lineal issue or lineal ancestor of the predecessor, a duty at the rate of one dollar per centum upon such value.

Where the successor shall be a brother or sister, or a descendant of a brother or sister of the predecessor, a duty at the rate of two dollars per centum upon such value.

Where the successor shall be a brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother of the predecessor, a duty at the rate of four dollars per centum upon such value.

Where the successor shall be a brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather

or grandmother of the predecessor, a duty at the rate of five dollars per centum upon such value.

Duties on successions.

Where the successor shall be in any other degree of collateral consanguinity to the predecessor than is hereinbefore described, or shall be a stranger in blood to him, a duty at the rate of six dollars per centum upon such value.

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SEC. 134. *And be it further enacted*, That where the interest of any successor in any real estate shall, before he shall have become entitled thereto in possession, have passed by reason of death to any other successor or successors, then one duty only shall be paid in respect of such interest, and shall be due from the successor who shall first become entitled thereto in possession; but such duty shall be at the highest rate which, if every such successor had been subject to duty, would have been payable by any one of them.

If interest of any successor has passed to other successors, only one duty to be paid.

SEC. 135. *And be it further enacted*, That wherever, after the passing of this act, any succession shall, before the successor shall have become entitled thereto in possession, have become vested by alienation, or by any title not conferring a new succession, in any other person, then the duty payable in respect thereof shall be paid at the same rate and time as the same would have been payable if no such alienation had been made or derivative title created; and where the title to any succession shall be accelerated by the surrender or extinction of any prior interests, then the duty thereon shall be payable at the time of such surrender or *extension* [extinction] of prior title.

When any succession has become vested by alienation.

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SEC. 136. *And be it further enacted*, That where real estate shall become subject to a trust for any charitable or public purposes, under any past or future disposition, which, if made in favor of an individual, would confer on him a succession, there shall be payable in respect of such real estate upon its becoming subject to such trusts, a duty at the rate of six per centum upon the amount or principal value of such real estate.

Real estate subject to trust for charitable purposes.

SEC. 137. *And be it further enacted*, That the duty imposed by this act shall be paid at the time when the successor, or any person in his right or on his behalf, shall become entitled in possession, to his succession, or to the receipt of the income and profits thereof, except that if there shall be any prior charge, estate, or interest, not created by the successor himself upon or in the succession, by reason whereof the successor shall not be presently entitled to the full enjoyment or value thereof, the duty, in respect of the increased value accruing upon the determination of such charge, estate, or interest, shall, if not previously paid, compounded for, or commuted, be paid at the time of such determination.

When duty is to be paid.

SEC. 138. *And be it further enacted*, That the interest of any successor in moneys to arise from the sale of real estate, under any trust for the sale thereof, shall be deemed to be a succession chargeable with duty under this act, and the said duty shall be paid by the trustee, executor, or other person having control of the funds.

Interest in proceeds of sale of real estate to be a succession;

SEC. 139. *And be it further enacted*, That the interest of any successor in personal property, subject to any trust for the investment thereof in the purchase of real estate to which the successor would be absolutely entitled, shall be chargeable with duty under this act as a succession, and the tax shall be payable by the trustee, executor, or other person having control of the funds.

in personal property subject to trust.

SEC. 140. *And be it further enacted*, That in estimating the value of a succession no allowance shall be made in respect of any contingent incumbrance thereon; but in the event of such incumbrance taking effect as an actual burden on the interest of the successor, he shall be entitled to a return of a proportionate amount of the duty so paid by him in respect of the amount or value of the incumbrance when taking effect.

No allowance for contingent incumbrances;

SEC. 141. *And be it further enacted*, That in estimating the value of a succession no allowance shall be made in respect of any contingency

nor for certain other contingencies.

Duty to be re-
turned, if, &c.

Proviso.

Duty to be
charged only on
portion of succes-
sion received.

Where com-
missioner may
compound the
duty payable;

when may
commute.

Duty to be a
first charge.

Separate as-
sessments may
be made for in-
terests in separate
tracts.

upon the happening of which the real estate may pass to some other person; but in the event of the same so passing, the successor shall be entitled to a return of so much of the duty paid by him as will reduce the same to the amount which would have been payable by him if such duty had been assessed in respect of the actual duration or extent of his interest: *Provided*, That if the estate of the successor shall be defeated, in whole or in part, by its application to the payment of the debts of the predecessor, the executor, administrator, or trustee so applying it shall pay out of the proceeds of the sale thereof the amount so refunded: *And provided, also*, That if the estate of the successor shall be defeated, in whole or in part, by any person claiming title from and under the predecessor, such person shall be chargeable with the amount of duty so refunded, and such amounts shall be collected in the manner herein provided for the collection of duties.

SEC. 142. *And be it further enacted*, That where a successor shall not have obtained the whole of his succession at the time of the duty becoming payable, he shall be chargeable only with duty on the value thereof from time to time obtained by him; and whenever any duty shall have been paid on account of any succession, and it shall afterwards be proved, to the satisfaction of the Secretary of the Treasury, that such duty, not being due from the person paying the same, was paid by mistake, or was paid in respect of real estate, which the successor shall have been unable to recover, or of which he shall have been evicted or deprived by any superior title, or that for any other reason it ought to be refunded, the Secretary of the Treasury shall thereupon refund the same to the person entitled thereto, by draft drawn on any collector of internal revenue.

SEC. 143. *And be it further enacted*, That where, in the opinion of the commissioner of internal revenue, any succession shall be of such a nature, or so disposed or circumstanced, that the value thereof shall not be fairly ascertainable under any of the preceding directions, or where, from the complication of circumstances affecting the value of a succession, or affecting the assessment or recovery of the duty thereon, the commissioner shall think it expedient to exercise this present authority, it shall be lawful for him to compound the duty payable on the succession upon such terms as he shall think fit, and to give discharges to the successor, upon payment of duty according to such composition; and it shall be lawful for him, in any special cases in which he may think it expedient so to do, to enlarge the time for payment of any duty.

SEC. 144. *And be it further enacted*, That it shall be lawful for the commissioner, in his discretion, upon application made by any person who shall be entitled to a succession in expectancy, to commute the duty presumptively payable in respect of such succession for a certain sum to be presently paid, and for assessing the amount which shall be so payable he shall cause a present value to be set upon such presumptive duty, regard being had to the contingencies affecting the liability to such duty, and the interest of money involved in such calculation being reckoned at the rate for the time being allowed by the commissioner in respect of duties paid in advance, and upon the receipt of such certain sum he shall give discharges to the successor accordingly.

SEC. 145. *And be it further enacted*, That the duty imposed by this act shall be a first charge on the interest of the successor, and of all persons claiming in his right, in all the real estate in respect whereof such duty shall be assessed for five years, unless sooner paid.

SEC. 146. *And be it further enacted*, That the commissioner shall, at the request of any successor, or any person claiming in his right, cause to be made so many separate assessments of the duty payable in respect of the interest of the successor in any separate tracts of real estate, or in defined portions of the same tract, as shall be reasonably required; and in such cases the respective tracts shall be chargeable only with the amount of duty separately assessed in respect thereof.

SEC. 147. *And be it further enacted,* That any person liable to pay duty in respect to any succession, shall give notice to the assessor or assistant assessor of his liability to such duty, and shall, at the same time, deliver to the assessor or assistant assessor a full and true account of said succession, for the duty whereon he shall be accountable, and of the value of the real estate involved, and of the deductions claimed by him, together with the names of the successor and predecessor, and their relation to each other, and all such other particulars as shall be necessary or proper for enabling the assessor or assistant assessor fully and correctly to ascertain the duties due; and the assessor or assistant assessor, if satisfied with such account and estimate as originally delivered, or with any amendments that may be made therein upon his requisition, may assess the succession duty on the footing of such account and estimate; but it shall be lawful for the assessor or assistant assessor, if dissatisfied with such account, or if no account and estimate shall be delivered to him, to assess the duty on the best information he can obtain, subject to appeal as hereinafter provided; and if the duty so assessed shall exceed the duty assessable according to the return made to the assessor or assistant assessor, and with which he shall have been dissatisfied, or if no account and estimate has been delivered, and if no appeal shall be taken against such assessment, then it shall be in the discretion of the assessor, having regard to the merits of each case, to assess the whole or any part of the expenses incident to the taking of such assessment, in addition to such duty; and if there shall be an appeal against such last-mentioned assessment, then the payment of such expenses shall be in the discretion of the commissioner of internal revenue.

Persons liable to duty to give notice to assessor.

If assessor is dissatisfied.

When expenses may be added.

SEC. 148. *And be it further enacted,* That if any person required to give any such notice, or deliver such account, as aforesaid, shall wilfully neglect to do so for the period of ten days after being notified, he shall be liable to pay to the United States a sum equal to ten per centum upon the amount of duty payable by him; and if any person liable under this act to pay any duty in respect of his succession shall, after such duty shall have been finally ascertained, wilfully neglect to do so within ten days after being notified, he shall also be liable to pay to the United States a sum equal to ten per centum upon the amount of duty so unpaid, at the same time and in the same manner as the duty to be collected.

Penalty for neglect in furnishing lists.

SEC. 149. *And be it further enacted,* That it shall be lawful for any party, liable to pay duty in respect of his succession, who shall be dissatisfied with the assessment of the assistant assessor, within thirty days after the date of such assessment, to appeal to the assessor from such assessment, who shall decide on such appeal, and give notice thereof to such party, who, if still dissatisfied, may, within twenty days after notice as aforesaid, appeal from such decision to the commissioner of internal revenue, and furnish a statement of the grounds of such appeal to the commissioner, whose decision upon the case, as presented by the statements of the assessor or assistant assessor and such party, shall be final.

Appeals.

Post, p. 481.

Decision of commissioner to be final.

SEC. 150. *And be it further enacted,* That the duties levied and assessed upon successions by this act shall be collected by the same officers, in the same manner, and by the same processes as are or may be prescribed by law for the collection of direct taxes assessed upon lands under the authority of the United States.

Duties upon successions to be collected by what officers.

STAMP DUTIES.

Stamp duties.

SEC. 151. *And be it further enacted,* That all laws in force at the time of the passage of this act in relation to stamp duties shall continue in force until the first day of August, eighteen hundred and sixty-four, and

Post, p. 491.

Stamp duties to be paid by party signing instrument, &c.

on and after the first day of August, eighteen hundred and sixty-four, there shall be levied, collected, and paid, for and in respect of the several instruments, matters, and things mentioned and described in the schedule (marked B) hereunto annexed, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them shall be written or printed, by any person or persons or party who shall make, sign, or issue the same, or for whose use or benefit the same shall be made, signed, or issued, the several duties or sums of money set down in figures against the same, respectively, or otherwise specified or set forth in the said schedule.

Instruments not to be recorded without a stamp.

SEC. 152. *And be it further enacted*, That it shall not be lawful to record any instrument, document, or paper required by law to be stamped, unless a stamp or stamps of the proper amount shall have been affixed; and the record of any such instrument, upon which the proper stamp or stamps aforesaid shall not have been affixed, shall be utterly void, and shall not be used in evidence.

What stamp may be used.

SEC. 153. *And be it further enacted*, That no instrument, document, writing, or paper of any description, required by law to be stamped, shall be deemed or held invalid and of no effect for the want of the particular kind or description of stamp designated for and denoting the duty charged on any such instrument, document, writing, or paper, provided a legal stamp, or stamps, denoting a duty of equal amount, shall have been duly affixed and used thereon: *Provided*, That the provisions of this section shall not apply to any stamp appropriated to denote the duty charged on proprietary articles, or articles enumerated in schedule C.

Proviso.

Official United State documents exempt, &c.

SEC. 154. *And be it further enacted*, That all official instruments, documents, and papers, issued or used by the officers of the United States government, shall be, and hereby are, exempt from duty.

Penalty for forging, &c., stamps, &c.

SEC. 155. *And be it further enacted*, That if any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any stamp or die, or any part of any stamp or die, which shall have been provided, made, or used in pursuance of this act, or shall forge, counterfeit, or resemble, or cause or procure to be forged, counterfeited, or resembled, the impression, or any part of the impression, of any such stamp or die, as aforesaid, upon any vellum, parchment, or paper, or shall stamp or mark, or cause or procure to be stamped or marked, any vellum, parchment, or paper, with any such forged or counterfeited stamp or die, or part of any stamp or die, as aforesaid, with intent to defraud the United States of any of the duties hereby imposed, or any part thereof; or if any person shall utter or sell, or expose to sale, any vellum, parchment, or paper, article, or thing, having thereupon the impression of any such counterfeited stamp or die, or any part of any stamp or die, or any such forged, counterfeited, or resembled impression, or part of impression, as aforesaid, knowing the same respectively to be forged, counterfeited, or resembled; or if any person shall knowingly use any stamp or die which shall have been so provided, made, or used as aforesaid, with intent to defraud the United States; or if any person shall fraudulently cut, tear, or remove, or cause or procure to be cut, torn, or removed, the impression of any stamp or die which shall have been provided, made, or used in pursuance of this act, from any vellum, parchment, or paper, or any instrument or writing charged or chargeable with any of the duties hereby imposed; or if any person shall wilfully remove, or cause to be removed, from any stamped envelope the cancelling or defacing marks thereon, with intent to use the same, or cause the use of the same, the second time, or shall knowingly or wilfully sell or buy such washed or restored stamps, or offer the same for sale, or give or expose the same to any person for use, or knowingly use the same, or prepare the same with intent for the second use thereof, then, and in every such case, every person so offend-

or the impression of stamps, &c.;

for stamping with forged stamps;

for selling paper, &c., with forged stamp, &c. thereon;

for using forged stamps;

for fraudulently, &c., removing impression of dies, &c.;

for selling washed or restored stamps, &c.

ing, and every person knowingly and wilfully aiding, abetting, or assisting in committing any such offence as aforesaid, shall be deemed guilty of felony, and shall, on conviction thereof, forfeit the said counterfeit stamps and the articles upon which they are placed, and be punished by fine not exceeding one thousand dollars, or by imprisonment and confinement to hard labor, not exceeding five years, or both, at the discretion of the court.

SEC. 156. *And be it further enacted*, That in any and all cases where an adhesive stamp shall be used for denoting any duty imposed by this act, except as hereinafter provided, the person using or affixing the same shall write thereupon the initials of his name and the date upon which the same shall be attached or used, so that the same may not again be used. And if any person shall fraudulently make use of an adhesive stamp to denote any duty imposed by this act without so effectually cancelling and obliterating such stamp, except as before mentioned, he, she, or they shall forfeit the sum of fifty dollars: *Provided*, That any proprietor or proprietors of proprietary articles, or articles subject to stamp duty under schedule C of this act, shall have the privilege of furnishing, without expense to the United States, in suitable form, to be approved by the commissioner of internal revenue, his or their own dies or designs for stamps to be used thereon, to be made under the direction, and to be retained in the possession of, the commissioner of internal revenue for his or their separate use, which shall not be duplicated to any other person. That in all cases where such stamp is used, instead of his or their writing the date thereon, the said stamp shall be so affixed on the box, bottle, or package, that in opening the same, or using the contents thereof, the said stamp shall be effectually destroyed; and in default thereof, shall be liable to the same penalty imposed for neglect to affix said stamp as hereinbefore prescribed in this act. Any person who shall fraudulently obtain or use any of the aforesaid stamps, or designs therefor, and any person forging, or counterfeiting, or causing or procuring the forging or counterfeiting any representation, likeness, similitude, or colorable imitation of the said last-mentioned stamp, or any engraver or printer who shall sell or give away said stamps, or selling the same, or, being a merchant, broker, peddler, or person dealing, in whole or in part, in similar goods, wares, merchandise, manufactures, preparations, or articles, or those designed for similar objects or purposes, shall have knowingly or fraudulently in his, her, or their possession, any such forged, counterfeited likeness, similitude, or colorable imitation of the said last-mentioned stamp, shall be deemed guilty of a felony, and, upon conviction thereof, shall be subject to all the penalties, fines, and forfeitures prescribed in the preceding section of this act.

Cancellation of stamps.

Penalty.

Proprietary articles.

Dies, &c., for stamps.

Stamps to be so affixed as to be destroyed.

Fraudulently using or forging.

SEC. 157. *And be it further enacted*, That the commissioner of internal revenue be, and he is hereby, authorized to prescribe such method for the cancellation of stamps, as substitute for, or in addition to, the method now prescribed by law, as he may deem expedient and effectual. And he is further authorized in his discretion to make the application of such method imperative upon the manufacturers of proprietary articles, or articles included in schedule C, and upon stamps of a nominal value exceeding twenty-five cents each.

Mode of cancellation.

SEC. 158. *And be it further enacted*, That any person or persons who shall make, sign, or issue, or who shall cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, or shall accept or pay, or cause to be accepted or paid, any bill of exchange, draft, or order or promissory note, for the payment of money, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the duty chargeable thereon, with intent to evade the provisions of this act, shall, for every such offence, forfeit the sum of two hundred dollars, and such instrument, document, or paper,

Penalty for making, paying, &c., unstamped instruments, &c.

[Amended, *Post*, p. 481.]

bill, draft, order, or note shall be deemed invalid and of no effect: *Provided*, That the title of a purchaser of land by a deed duly stamped, shall not be defeated or *effected* [affected] by the want of a proper stamp on any deed conveying said land by any person from, through, or under whom his grantor claims or holds title.

Foreign bills of exchange to be stamped before payment.

SEC. 159. *And be it further enacted*, That the acceptor or acceptors of any bill of exchange or order for the payment of any sum of money drawn, or purporting to be drawn, in any foreign country, but payable in the United States, shall, before paying or accepting the same, place thereupon a stamp, indicating the duty upon the same, as the law requires for inland bills of exchange, or promissory notes, and no bill of exchange shall be paid, or negotiated without such stamp; and if any person shall pay or negotiate, or offer in payment, or receive or take in payment, any such draft or order, the person or persons so offending shall forfeit the sum of two hundred dollars.

Stamp duty not required on, &c.

SEC. 160. *And be it further enacted*, That no stamp duty shall be required on powers of attorney or any other paper relating to applications for bounties, arrearages of pay, or pensions, or to the receipt thereof from time to time, or upon tickets or contracts of insurance when limited to injury to persons while travelling; nor on certificates or [of] the measurement or weight of animals, wood, coal, or other articles; nor on deposit notes to mutual insurance companies for insurance upon which policies subject to stamp duties have been, or are to be, issued; nor on any certificate of the record of a deed or other instrument in writing, or of the acknowledgment or proof thereof by attesting witnesses; nor to any indorsement of a negotiable instrument, or on any warrant of attorney, accompanying a bond or note, when such bond or note shall have affixed thereto the stamp or stamps denoting the duty required; and whenever any bond or note shall be secured by a mortgage, but one stamp shall be required to be placed on such papers: *Provided*, That the stamp duty placed thereon shall be the highest rate required for said instruments, or either of them.

Post, p. 482.

Mortgages.

Stamps, stamped papers, &c., may be sold to collectors, &c.

SEC. 161. *And be it further enacted*, That the commissioner of internal revenue be, and is hereby, authorized to sell to and supply collectors, deputy collectors, postmasters, stationers, or any other persons, at his discretion, with adhesive stamps, or stamped paper, vellum, or parchment, as herein provided for, in amounts of not less than fifty dollars, upon the payment, at the time of delivery, of the amount of duties said stamps, stamped paper, vellum, or parchment, so sold or supplied, represent, and may allow, upon the aggregate amount of such stamps, as aforesaid, the sum of not exceeding five per centum as commission to the collectors, postmasters, stationers, or other purchasers; but the cost of any paper, vellum, or parchment shall be paid by the purchaser of such stamped

Commission.

Commission on stamps for proprietary articles, when, &c.

paper, vellum, or parchment, as aforesaid: *Provided*, That any proprietor or proprietors of articles named in schedule C, who shall furnish his or their own die or design for stamps, to be used especially for his or their own proprietary articles, shall be allowed the following commission, namely: On amounts purchased at one time, of not less than fifty nor more than five hundred dollars, five per centum; on amounts over five hundred dollars, ten per centum. The commissioner of internal revenue may, from time to time, make regulations, upon proper evidence of the facts, for the allowance of such of the stamps issued under the provisions of this act as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been paid in error, or remitted; and such allowance shall be made either by giving other stamps in lieu of the stamps so allowed for, or by repaying the amount or value, after deducting therefrom, in case of repayment, the sum of five per centum

Allowance for spoiled, &c., stamps.

to the owner thereof; but no allowance shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the commissioner of internal revenue, or until satisfactory proof has been made showing the reason why said stamps cannot be so returned: *Provided*, That the commissioner of internal revenue may, from time to time, furnish, supply, and deliver to any manufacturer of friction or other matches, cigar-lights, or wax tapers, a suitable quantity of adhesive or other stamps, such as may be prescribed for use in such cases, without prepayment therefor, on a credit not exceeding sixty days, requiring, in advance, such security as he may judge necessary to secure payment therefor to the treasurer of the United States, within the time prescribed for such payment. And upon all bonds or other securities taken by said commissioner, under the provisions of this act, suits may be maintained by said treasurer in the circuit or district court of the United States, in the several districts where any of the persons giving said bonds or other securities reside, or may be found, in any appropriate form of action.

Certain stamps may be delivered on credit, by giving security.

SEC. 162. *And be it further enacted*, That it shall be lawful for any person to present to the collector of the district, subject to the rules and regulations of the commissioner of internal revenue, any instrument not previously issued or used, and require his opinion whether or not the same is chargeable with any stamp duty; and if the said collector shall be of opinion that such instrument is chargeable with any stamp duty, he shall, upon the payment therefor, affix and cancel the proper stamp; and if of the opinion that such instrument is not chargeable with any stamp duty, or is chargeable only with the duty by him designated, he is hereby required to impress thereon a particular stamp, to be provided for that purpose, with such words or device thereon as he shall judge proper, which shall denote that such instrument is not chargeable with any stamp duty, or is chargeable only with the duty denoted by the stamp affixed; and every such instrument, upon which the said stamp shall be impressed, shall be deemed to be not chargeable, or to be chargeable only with the duty denoted by the stamp so affixed, and shall be received in evidence in all courts of law or equity, notwithstanding any objections made to the same by reason of it being unstamped, or of it being insufficiently stamped.

Instruments not used may be presented to commissioner to determine the duty.

SEC. 163. *And be it further enacted*, That no deed, instrument, document, writing, or paper, required by law to be stamped, which has been heretofore signed or issued without being duly stamped, or with a deficient stamp, nor any copy thereof, shall be recorded, or admitted, or used as evidence in any court until a legal stamp or stamps, denoting the amount of duty, shall have been affixed thereto, and the date when the same is so used or affixed, with his initials, shall have been placed thereon by the person using or affixing the same; and the person desiring to use or record any such deed, instrument, document, writing, or paper as evidence, his agent or attorney, is authorized in the presence of the court, register, or recorder, respectively, to affix the stamp or stamps thereon required: *Provided*, That no instrument, document, or paper made, signed, or issued, prior to the passage of this act, without being duly stamped, or having thereon an adhesive stamp or stamps, to denote the duty imposed thereon, shall, for that cause, if the stamp or stamps required shall be subsequently affixed, be deemed invalid and of no effect: *Provided, further*, That any power of attorney, conveyance, or document of any kind, made, or purporting to be made, in any foreign country to be used in the United States, shall pay the same duty as is required by law on similar instruments or documents when made or issued in the United States; and the party to whom the same is issued, or by whom it is to be used, shall, before using the same, affix thereon the stamp or stamps indicating the duty required.

Instruments required to be stamped not to be used without; or recorded.

Stamps may be subsequently affixed to certain deeds, &c.

Provisos.

SEC. 164. *And be it further enacted*, That all the provisions of this act relating to dies, stamps, adhesive stamps, and stamp duties shall extend to and include (except where manifestly impracticable) all the articles or

Provisions as to dies, to include what.

objects enumerated in schedule marked C, subject to stamp duties, and apply to the provisions in relation thereto.

Penalty for making, selling, &c., certain articles without affixing stamps.

SEC. 165. *And be it further enacted*, That if any person, firm, company, or corporation shall make, prepare, and sell, or remove for consumption or sale, drugs, medicines, preparations, compositions, articles, or things, including perfumery, cosmetics, lucifer or friction matches, cigar-lights, or wax tapers, photographs, ambrotypes, daguerreotypes, or other sun-pictures of any description, and playing-cards, upon which a duty is imposed by law, as enumerated and mentioned in schedule C, without affixing thereto an adhesive stamp or label denoting the duty before mentioned, he or they shall incur a penalty of ten dollars for every omission to affix such stamp: *Provided*, That nothing in this act contained shall apply to any uncompound medicinal drug or chemical, nor to any medicine compounded according to the United States or other national pharmacopœia, nor of which the full and proper formula is published in either of the dispensatories, formularies, or text-books in common use among physicians and apothecaries, including homœopathic and eclectic, or in any pharmaceutical journal now used by any incorporated college of pharmacy, and not sold or offered for sale, or advertised under any other name, form, or guise, than that under which they may be severally denominated and laid down in said pharmacopœias, dispensatories, text-books, or journals, as aforesaid, nor to medicines sold to, or for the use of, any person, which may be mixed and compounded specially for said persons, according to the written recipe or prescription of any physician or surgeon.

Proviso.

Post, p. 482.

Penalty for removing stamps once affixed to evade duty;

SEC. 166. *And be it further enacted*, That every manufacturer or maker of any of the articles for sale mentioned in schedule C, after the same shall have been so made, and the particulars hereinbefore required as to stamps have been complied with, who shall take off, remove, or detach, or cause, or permit, or suffer to be taken off, or removed, or detached, any stamp, or who shall use any stamp, or any wrapper or cover to which any stamp is affixed, to cover any other article or commodity than that originally contained in such wrapper or cover, with such stamp when first used, with the intent to evade the stamp duties, shall for every such article, respectively, in respect of which any such offence shall be committed, be subject to a penalty of fifty dollars, to be recovered together with the costs thereupon accruing; and every such article or commodity as aforesaid shall also be forfeited.

for selling, &c., certain articles without stamps.

Post, p. 482.

SEC. 167. *And be it further enacted*, That on and after the passage of this act every maker or manufacturer of any of the articles or commodities mentioned in schedule C, as aforesaid, who shall sell, send out, remove, or deliver any article or commodity, manufactured as aforesaid, before the duty thereon shall have been fully paid, by affixing thereon the proper stamp, as provided by law, or who shall hide or conceal, or cause to be hidden or concealed, or who shall remove or convey away, or deposit, or cause to be removed or conveyed away from or deposited in any place, any such article or commodity, to evade the duty chargeable thereon, or any part thereof, shall be subject to a penalty of one hundred dollars, together with the forfeiture of any such article or commodity.

Medicines, &c., to be made, &c., without duty, to be manufactured in warehouses.

Post, p. 482.

SEC. 168. *And be it further enacted*, That all medicines, preparations, compositions, perfumery, cosmetics, lucifer or friction matches, and cigar-lights, or wax tapers, cordials, and other liquors manufactured wholly or in part of domestic spirits, intended for exportation, as provided for by law, in order to be manufactured and sold or removed, without being charged with duty, and without having a stamp affixed thereto, shall, under such rules and regulations as the Secretary of the Treasury may prescribe, be made and manufactured in warehouses similarly constructed to those known and designated in treasury regulations as bonded warehouses, class two: *Provided*, That such manufacturer shall first give satisfactory bonds to the collector of internal revenue for the faithful observance of all the

Manufacturers to give bonds, &c.

provisions of law and the rules and regulations as aforesaid, in amount not less than half of that required by the regulations of the Secretary of the Treasury from persons allowed bonded warehouses. Such goods, when manufactured in such warehouses, may be removed for exportation, under the direction of the proper officer having charge thereof, who shall be designated by the Secretary of the Treasury, without being charged with duty, and without having a stamp affixed thereto. Any manufacturer of the articles aforesaid, or of any of them, having such bonded warehouse, as aforesaid, shall be at liberty, under such rules and regulations as the Secretary of the Treasury may prescribe, to convey therein any materials to be used in such manufacture which are allowed by the provisions of law to be exported free from tax or duty, as well as the necessary materials, implements, packages, vessels, brands, and labels for the preparation, putting up, and export of the said manufactured articles; and every article so used shall be exempt from the payment of stamp and excise duty by such manufacturer. Articles and materials so to be used may be transferred from any bonded warehouse in which the same may be, under such regulations as the Secretary of the Treasury may prescribe, into any bonded warehouse in which such manufacture may be conducted, and may be used in such manufacture, and, when so used, shall be exempt from stamp and excise duty; and the receipt of the officer in charge, as aforesaid, shall be received as a voucher for the manufacture of such articles. Any materials imported into the United States may, under such rules as the Secretary of the Treasury may prescribe, and under the direction of the proper officer, be removed in original packages from on shipboard, or from the bonded warehouse in which the same may be, into the bonded warehouse in which such manufacture may be carried on, for the purpose of being used in such manufacture, without payment of duties thereon, and may there be used in such manufacture. No article so removed, nor any article manufactured in said bonded warehouse, shall be taken therefrom, except for exportation, under the direction of the proper officer having charge thereof, as aforesaid, whose certificate, describing the articles by their marks, or otherwise, the quantity, the date of importation, the name of vessel, with such additional particulars as may from time to time be required, shall be received by the collector of customs in cancellation of the bonds, or return of the amount of foreign import duties. All labor performed and services rendered under these regulations shall be under the supervision of an officer of the customs, and at the expense of the manufacturer.

Manufactured goods may be removed for exportation.

Warehouses may be used for what.

Materials used in the manufacture.

Labor.

SEC. 169. *And be it further enacted*, That any person who shall offer for sale any of the articles named in schedule C, whether the articles so offered are imported, or are of foreign or domestic manufacture, shall be deemed the manufacturer thereof, and subject to all the duties, liabilities, and penalties imposed by law in regard to the sale of domestic articles without the use of the proper stamp or stamps denoting the duty paid thereon: *Provided*, That when any such imported articles shall be sold in the original and unbroken package in which the bottles or other enclosures were packed by the manufacturer, the person so selling said articles shall not be subject to any penalty on account of the want of the proper stamp.

Who to be deemed manufacturers of certain articles.

Post, p. 482.

Proviso.

Post, p. 483.

SEC. 170. *And be it further enacted*, That in any collection district where, in the judgment of the commissioner of internal revenue, the facilities for the procurement and distribution of stamped vellum, parchment, or paper, and adhesive stamps, are or shall be insufficient, the commissioner, as aforesaid, is authorized to furnish, supply, and deliver to the collector and to the assessor of any such district, and to any assistant treasurer of the United States, or designated depository thereof, or any postmaster, a suitable quantity or amount of stamped vellum, parchment or paper, and adhesive stamps, without prepayment therefor, and shall allow the highest rate of commissions allowed by law to any other parties purchasing the

In certain districts, stamps, &c., may be delivered to collector without prepayment.

Bond to be given. Deputy collectors to be supplied with stamps. Regulations.

same, and may in advance require of any such collector, assessor, assistant treasurer of the United States, or postmaster, a bond, with sufficient sureties, to an amount equal to the value of any stamped vellum, parchment, or paper, and adhesive stamps which may be placed in his hands and remain unaccounted for, conditioned for the faithful return, whenever so required, of all quantities or amounts undisposed of, and for the payment, monthly, of all quantities or amounts, sold or not, remaining on hand. And it shall be the duty of such collector to supply his deputies with, or sell to other parties within his district who may make application therefor, stamped vellum, parchment, or paper, and adhesive stamps, upon the same terms allowed by law, or under the regulations of the commissioner of internal revenue, who is hereby authorized to make such other regulations, not inconsistent herewith, for the security of the United States and the better accommodation of the public, in relation to the matters hereinbefore mentioned, as he may judge necessary and expedient. And the Secretary of the Treasury may, from time to time, make such regulations as he may find necessary to insure the safe-keeping or prevent the illegal use of all such stamped vellum, parchment, paper, and adhesive stamps.

Schedule B.

SCHEDULE B.

Stamp duties.

STAMP DUTIES.

Duty.
Dolls. cts.

AGREEMENT or CONTRACT, other than those specified in this schedule; any appraisalment of value or damage, or for any other purpose; for every sheet or piece of paper upon which either of the same shall be written, five cents.....	5
<i>Provided</i> , That if more than one appraisalment, agreement, or contract shall be written upon one sheet or piece of paper, five cents for each and every additional appraisalment, agreement, or contract.	
BANK CHECK, draft, or order for the payment of any sum of money whatsoever, drawn upon any bank, banker, or trust company, or for any sum exceeding ten dollars drawn upon any other person or persons, companies, or corporations, at sight or on demand, two cents.....	2
BILL OF EXCHANGE, (inland,) draft, or order for the payment of any sum of money, not exceeding one hundred dollars, otherwise than at sight or on demand, or any promissory note, (except bank-notes issued for circulation, and checks made and intended to be forthwith presented, and which shall be presented to a bank or banker for payment,) or any memorandum, check, receipt, or other written or printed evidence of an amount of money to be paid on demand, or at a time designated, for a sum not exceeding one hundred dollars, five cents.....	5
And for every additional hundred dollars, or fractional part thereof in excess of one hundred dollars, five cents.....	5
BILL OF EXCHANGE, (foreign,) or letter of credit, drawn in but payable out of the United States, if drawn singly, or otherwise than in a set of three or more, according to the custom of merchants and bankers, shall pay the same rates of duty as inland bills of exchange or promissory notes.	
If drawn in sets of three or more: For every bill of each set, where the sum made payable shall not exceed one hundred dollars, or the equivalent thereof, in any foreign currency in which such bills may be expressed, according to the standard of value fixed by the United States, two cents.....	2
And for every additional hundred dollars or fractional part thereof in excess of one hundred dollars, two cents.....	2
BILL OF LADING or receipt, (other than charter-party,) for any goods, merchandise, or effects, to be exported from a port or place in the United States to any foreign port or place, ten cents.....	10
BILL OF SALE by which any ship or vessel, or any part thereof, shall be conveyed to or vested in any other person or persons, when the consideration shall not exceed five hundred dollars, fifty cents.....	50
Exceeding five hundred dollars and not exceeding one thousand dollars, one dollar.....	1 00
Exceeding one thousand dollars for every additional amount of five hundred dollars, or fractional part thereof, fifty cents.....	50
BOND for indemnifying any person for the payment of any sum of money, where the money ultimately recoverable thereupon is one thousand dollars or less, fifty cents.....	50
Where the money ultimately recoverable thereupon exceeds one thousand	

	Duty. Dolls. cts.	Stamp duties.
dollars, for every additional one thousand dollars or fractional part thereof in excess of one thousand dollars, fifty cents.....	50	
BOND for the due execution or performance of the duties of any office, one dollar.....	1 00	
BOND of any description, other than such as may be required in legal proceedings, or used in connection with mortgage deeds, and not otherwise charged in this schedule, twenty-five cents.....	25	
CERTIFICATE of stock in any incorporated company, twenty-five cents....	25	
CERTIFICATE of profits, or any certificate or memorandum showing an interest in the property or accumulations of any incorporated company, if for a sum not less than ten dollars and not exceeding fifty dollars, ten cents.....	10	
Exceeding fifty dollars and not exceeding one thousand dollars, twenty-five cents.....	25	
Exceeding one thousand dollars , for every additional one thousand dollars, or fractional part thereof, twenty-five cents.....	25	
CERTIFICATE . — Any certificate of damage, or otherwise, and all other certificates or documents issued by any port warden, marine surveyor, or other person acting as such, twenty-five cents.....	25	
CERTIFICATE of deposit of any sum of money in any bank or trust company, or with any banker or person acting as such —		
If for a sum not exceeding one hundred dollars, two cents.....	2	
For a sum exceeding one hundred dollars, five cents.....	5	
Certificate of any other description than those specified, five cents.....	5	
CHARTER-PARTY . — Contract or agreement for the charter of any ship or vessel, or steamer, or any letter, memorandum, or other writing between the captain, master, or owner, or person acting as agent of any ship or vessel, or steamer, and any other person or persons for, or relating, to the charter of such ship or vessel, or steamer, or any renewal or transfer thereof, if the registered tonnage of such ship or vessel, or steamer, does not exceed one hundred and fifty tons, one dollar....	1 00	
Exceeding one hundred and fifty tons , and not exceeding three hundred tons, three dollars.....	3 00	
Exceeding three hundred tons , and not exceeding six hundred tons, five dollars.....	5 00	
Exceeding six hundred tons , ten dollars.....	10 00	
CONTRACT . — Broker's note, or memorandum of sale of any goods or merchandise, stocks, bonds, exchange, notes of hand, real estate, or property of any kind or description issued by brokers or persons acting as such, for each note or memorandum of sale, ten cents.....	10	
CONVEYANCE . — Deed, instrument, or writing, whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons by his, her, or their direction, when the consideration or value does not exceed five hundred dollars, fifty cents	50	
When the consideration exceeds five hundred dollars , and does not exceed one thousand dollars, one dollar.....	1 00	
And for every additional five hundred dollars , or fractional part thereof, in excess of one thousand dollars, fifty cents.....	50	
ENTRY of any goods, wares, or merchandise at any custom-house, either for consumption or warehousing, not exceeding one hundred dollars in value, twenty-five cents.....	25	
Exceeding one hundred dollars , and not exceeding five hundred dollars in value, fifty cents.....	50	
Exceeding five hundred dollars in value, one dollar.....	1 00	
ENTRY for the withdrawal of any goods or merchandise from bonded warehouse, fifty cents.....	50	
Gaugers' returns , if for a quantity not exceeding five hundred gallons gross, ten cents.....	10	
Exceeding five hundred gallons gross , twenty-five cents.....	25	
INSURANCE, (LIFE.) — Policy of insurance, or other instrument, by whatever name the same shall be called, whereby any insurance shall be made upon any life or lives —		
When the amount insured shall not exceed one thousand dollars , twenty-five cents.....	25	
Exceeding one thousand dollars and not exceeding five thousand dollars, fifty cents.....	50	
Exceeding five thousand dollars , one dollar.....	1 00	
INSURANCE, (MARINE, INLAND, AND FIRE.) — Each policy of insurance or other instrument, by whatever name the same shall be called, by which insurance shall be made or renewed upon property of any description, whether against perils by the sea or by fire, or other peril		

Stamp duties.	Duty. Dolls. cts.
of any kind, made by any insurance company, or its agents, or by any other company or person, the premium upon which does not exceed ten dollars, ten cents	10
Exceeding ten and not exceeding fifty dollars, twenty-five cents.....	25
Exceeding fifty dollars, fifty cents.....	50
<i>Post, p. 482.</i> LEASE, agreement, memorandum, or contract for the hire, use, or rent of any land, tenement, or portion thereof, where the rent or rental value is three hundred dollars per annum or less, fifty cents.....	50
Where the rent or rental value exceeds the sum of three hundred dollars per annum, for each additional two hundred dollars, or fractional part thereof in excess of three hundred dollars, fifty cents	50
MANIFEST for custom-house entry or clearance of the cargo of any ship, vessel, or steamer for a foreign port—	
If the registered tonnage of such ship, vessel, or steamer does not exceed three hundred tons, one dollar.....	1 00
Exceeding three hundred tons, and not exceeding six hundred tons, three dollars.....	3 00
Exceeding six hundred tons, five dollars.....	5 00
MEASURERS' returns, if for a quantity not exceeding one thousand bushels, ten cents.....	10
Exceeding one thousand bushels, twenty-five cents.....	25
MORTGAGE of lands, estate, or property, real or personal, heritable or movable, whatsoever, where the same shall be made as security for the payment of any definite and certain sum of money lent at the time or previously due and owing or forborne to be paid, being payable; also any conveyance of any lands, estate, or property whatsoever, in trust, to be sold or otherwise converted into money, which shall be intended only as security, and shall be redeemable before the sale or other disposal thereof, either by express stipulation or otherwise; or any personal bond given as security for the payment of any definite or certain sum of money exceeding one hundred dollars, and not exceeding five hundred dollars, fifty cents.....	50
Exceeding five hundred dollars, and not exceeding one thousand dollars, one dollar.....	1 00
And for every additional five hundred dollars, or fractional part thereof, in excess of one thousand dollars, fifty cents.....	50
<i>Post, p. 482.</i> <i>Provided,</i> That upon each and every assignment or transfer of a mortgage, lease, or policy of insurance, or the renewal or continuance of any agreement, contract, or charter, by letter or otherwise, a stamp duty shall be required and paid equal to that imposed on the original instrument.	
PASSAGE TICKET, by any vessel from a port in the United States to a foreign port, not exceeding thirty-five dollars, fifty cents.....	50
Exceeding thirty-five dollars and not exceeding fifty dollars, one dollar....	1 00
And for every additional fifty dollars, or fractional part thereof, in excess of fifty dollars, one dollar.....	1 00
POWER OF ATTORNEY for the sale or transfer of any stock, bonds, or scrip, or for the collection of any dividends or interest thereon, twenty-five cents	25
POWER OF ATTORNEY OR PROXY for voting at any election for officers of any incorporated company or society, except religious, charitable, or literary societies, or public cemeteries, ten cents.....	10
POWER OF ATTORNEY to receive or collect rent, twenty-five cents.....	25
POWER OF ATTORNEY to sell and convey real estate, or to rent or lease the same, one dollar	1 00
POWER OF ATTORNEY for any other purpose, fifty cents.....	50
PROBATE OF WILL, or letters of administration: Where the estate and effects for or in respect of which such probate or letters of administration applied for shall be sworn or declared not to exceed the value of two thousand dollars, one dollar.....	1 00
Exceeding two thousand dollars, for every additional thousand dollars, or fractional part thereof, in excess of two thousand dollars, fifty cents....	50
PROTEST.— Upon the protest of every note, bill of exchange, acceptance, check or draft, or any marine protest, whether protested by a notary public or by any other officer who may be authorized by the law of any state or states to make such protest, twenty-five cents.....	25
<i>Post, p. 482.</i> Receipts for the payment of any sum of money, or for the payment of any debt due, exceeding twenty dollars, not being for the satisfaction of any mortgage or judgment or decree of any court, and a receipt for the delivery of any property, two cents.....	2
Warehouse receipt for property, goods, wares, or merchandise, not otherwise provided for, in any public or private warehouse, when the property or goods so deposited or stored shall not exceed in value five hundred dollars, ten cents	10

	Duty. Dolls. cts.	Stamp duties.
Exceeding in value five hundred dollars and not exceeding one thousand dollars, twenty cents	20	
Exceeding in value one thousand dollars, for every additional one thousand dollars, ten cents	10	
Warehouse receipt for any goods, merchandise, or property of any kind, not otherwise provided for, held on storage in any public or private warehouse or yard, twenty-five cents	25	
Weighers' returns, if for a weight not exceeding five thousand pounds, ten cents	10	
Exceeding five thousand pounds, twenty-five cents	25	

LEGAL DOCUMENTS :

Writ, or other original process by which any suit is commenced in any court of record, either of law or equity, fifty cents	50
Where the amount claimed in a writ, issued by a court not of record, is one hundred dollars or over, fifty cents	50
Upon every confession of judgment, or <i>cognovit</i> , for one hundred dollars or over, (except in those cases where the tax for the writ of a commencement of suit has been paid,) fifty cents	50
Writs or other process on appeals from justices' courts or other courts of inferior jurisdiction to a court of record, fifty cents	50
Warrant of distress, when the amount of rent claimed does not exceed one hundred dollars, twenty-five cents	25
When the amount claimed exceeds one hundred dollars, fifty cents	50

Provided, That no writ, summons, or other process issued by, and returnable to, a justice of the peace, except as hereinbefore provided, or by any police or municipal court having no larger jurisdiction as to the amount of damages it may render than a justice of the *piece* [peace] in the same state, or issued in any criminal or other suits commenced by the United States, or any state, shall be subject to the payment of stamp duties: *And provided, further*, That the stamp duties imposed by the foregoing schedule B on manifests, bills of lading, and passage-tickets, shall not apply to steamboats or other vessels plying between ports of the United States and ports in British North America.

Affidavits in suits or legal proceedings shall be exempt from stamp duty.

SCHEDULE C.

Schedule C.

MEDICINES OR PREPARATIONS.

Medicines or preparations.

For and upon every packet, box, bottle, pot, phial, or other enclosure, containing any pills, powders, tinctures, troches, lozenges, sirups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, spirits, oils, or other medicinal preparations or compositions whatsoever, made and sold, or removed for consumption and sale, by any person or persons whatever, wherein the person making or preparing the same has, or claims to have, any private formula or occult secret or art for the making or preparing the same, or has, or claims to have, any exclusive right or title to the making or preparing the same, or which are prepared, uttered, vended, or exposed for sale under any letters-patent, or held out or recommended to the public by the makers, venders, or proprietors thereof as proprietary medicines, or as remedies or specifics for any disease, diseases, or affections whatever affecting the human or animal body, as follows : where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall not exceed, at retail price, or value, the sum of twenty-five cents, one cent	1
Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of twenty-five cents, and not exceed the retail price or value of fifty cents, two cents	2
Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of fifty cents, and shall not exceed the retail price or value of seventy-five cents, three cents	3
Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of seventy-five cents, and shall not exceed the retail price or value of one dollar, four cents	4
Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of one dollar, for each and every fifty cents or fractional part thereof over and above the one dollar, as before mentioned, an additional two cents	2

Duty.
Dolls. cts.

Perfumery, &c.

PERFUMERY, COSMETICS, PHOTOGRAPHS, MATCHES, AND CARDS.

For and upon every packet, box, bottle, pot, phial, or other enclosure, containing any essence, extract, toilet water, cosmetic, hair oil, pomade, hair-dressing, hair restorative, hair dye, tooth-wash, dentifrice, tooth-paste, aromatic cachous, or any similar articles, by whatsoever name the same heretofore have been, now are, or may hereafter be called, known, or distinguished, used or applied, or to be used or applied as perfumes or applications to the hair, mouth, or skin, made, prepared, and sold or removed for consumption and sale in the United States, where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall not exceed, at the retail price or value, the sum of twenty-five cents, one cent	1
Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of twenty-five cents, and shall not exceed the retail price or value of fifty cents, two cents	2
Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of fifty cents, and shall not exceed the retail price or value of seventy-five cents, three cents	3
Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of seventy-five cents, and shall not exceed the retail price or value of one dollar, four cents	4
Where such packet, box, bottle, pot, phial, or other enclosure, with its contents, shall exceed the retail price or value of one dollar, for each and every fifty cents or fractional part thereof over and above the one dollar, as before mentioned, an additional two cents	2
FRICION MATCHES, or lucifer matches, or other articles made in part of wood, and used for like purposes, in parcels or packages containing one hundred matches or less, for each parcel or package, one cent	1
When in parcels or packages containing more than one hundred and not more than two hundred matches, for each parcel or package, two cents	2
And for every additional one hundred matches or fractional part thereof, one cent	1
For all cigar-lights and wax tapers, double the rates herein imposed upon friction or lucifer matches: <i>Provided</i> , That the stamp duties herein provided for on friction or lucifer matches made in part of wood, or cigar-lights or wax tapers, shall not be imposed until the first day of September, eighteen hundred and sixty-four; but until that time the tax shall be assessed and collected as heretofore, and on and after said first day of September, every package or parcel sold by any person, firm, company, or corporation, shall be stamped as herein required.	
PHOTOGRAPHS, ambrotypes, daguerreotypes, or any sun-pictures, except as hereinbefore provided, upon each and every picture of which the retail price shall not exceed twenty-five cents, two cents	2
Exceeding the retail price of twenty-five cents, and not exceeding the sum of fifty cents, three cents	3
Exceeding the retail price of fifty cents, and not exceeding one dollar, five cents	5
Exceeding the retail price of one dollar, for every additional dollar or fractional part thereof, five cents	5
PLAYING-CARDS.—For and upon every pack of whatever number, when the retail price per pack does not exceed eighteen cents, two cents	2
Exceeding the retail price of eighteen cents, and not exceeding twenty-five cents per pack, four cents	4
Exceeding the retail price of twenty-five cents, and not exceeding fifty cents per pack, ten cents	10
Exceeding the retail price of fifty cents, and not exceeding one dollar per pack, fifteen cents	15
Exceeding the retail price of one dollar, for every additional fifty cents, or fractional part thereof, in excess of one dollar, five cents	5

Post, p. 482.

Allowance and drawback.

ALLOWANCE AND DRAWBACK.

SEC. 171. *And be it further enacted*, That from and after the date on which this act takes effect there shall be an allowance or drawback on all articles on which any internal duty or tax shall have been paid, except raw or unmanufactured cotton, refined coal-oil, naphtha, benzine or benzole, distilled spirits, manufactured tobacco, snuff and cigars of all descriptions, equal in amount to the duty or tax paid thereon, and no more, when

Post, p. 482.

exported, the evidence that any such duty or tax has been paid to be furnished to the satisfaction of the commissioner of internal revenue by such person or persons as shall claim the allowance or drawback, and the amount to be ascertained under such regulations as shall, from time to time, be prescribed by the commissioner of internal revenue, under the direction of the Secretary of the Treasury, and the same shall be paid by the warrant of the Secretary of the Treasury on the treasurer of the United States, out of any money arising from internal duties not otherwise appropriated: *Provided*, That no allowance or drawback shall be made or had for any amount claimed or due less than ten dollars, anything in this act to the contrary notwithstanding: *And provided, further*, That any certificate of drawback for goods exported, issued in pursuance of the provisions of law, may, under such regulations as may be prescribed by the Secretary of the Treasury, be received by the collector or his deputy in payment of duties under this act. And the Secretary of the Treasury may make such regulations with regard to the form of said certificates and the issuing thereof as, in his judgment, may be necessary: *And provided, further*, That in computing the allowance or drawback upon articles manufactured exclusively of cotton, when exported, there shall be allowed, in addition to the five per centum duty which shall have been paid on such articles, a drawback of two cents per pound upon such articles, in all cases where the duty imposed by law upon the cotton used in the manufacture thereof has been previously paid; the amount of said allowance to be ascertained in such manner as may be prescribed by the commissioner of internal revenue, under the direction of the Secretary of the Treasury.

Allowance and drawback.

Provisos.

SEC. 172. *And be it further enacted*, That if any person or persons shall fraudulently claim or seek to obtain an allowance or drawback on goods, wares, or merchandise, on which no internal duty shall have been paid, or shall fraudulently claim any greater allowance or drawback than the duty actually paid, as aforesaid, such person or persons shall forfeit triple the amount wrongfully or fraudulently claimed, or sought to be obtained, or the sum of five hundred dollars, at the election of the Secretary of the Treasury, to be recovered as in other cases of forfeiture provided for in the general provisions of this act.

Penalty for fraudulently claiming drawback.

SEC. 173. *And be it further enacted*, That the following acts of congress are hereby repealed, to wit: The act of July first, eighteen hundred and sixty-two, entitled "An act to provide internal revenue to support the government and to pay interest on the public debt," except the one hundred and fifteenth and one hundred and nineteenth sections thereof; and excepting, further, all provisions of said act which create the offices of commissioner of internal revenue, assessor, assistant assessor, collector, deputy collector, and inspector, and provide for the appointment and qualification of said officers. Also, the act of July sixteenth, eighteen hundred and sixty-two, entitled "An act to impose an additional duty on sugars produced in the United States." Also, the act of December twenty-fifth, eighteen hundred and sixty-two, entitled "An act to amend an act entitled 'An act to provide internal revenue to support the government and to pay interest on the public debt,' approved July first, eighteen hundred and sixty-two." Also, the act of March third, eighteen hundred and sixty-three, entitled "An act to amend an act entitled 'An act to provide internal revenue to support the government and to pay interest on the public debt,' approved July first, eighteen hundred and sixty-two, and for other purposes," excepting the provisions of said act which create the offices of deputy commissioner and cashier of internal duties and revenue agents, and provide for the appointment and qualification of said officers. Also, the twenty-fourth and twenty-fifth sections of the act of July fourteenth, eighteen hundred and sixty-two, entitled "An act increasing temporarily the duties on imports, and for other purposes." Also, the second

Repeal of acts and parts of acts. 1862, ch. 119, Vol. xii. p. 432.

1862, ch. 187, Vol. xii. p. 588.

1863, ch. 4, Vol. xii. p. 632.

1863, ch. 74, Vol. xii. p. 713.

1862, ch. 163, Vol. xii. p. 560.

1863, ch. 76,
Vol. xii. p. 739.

1864, ch. 20,
Ante, p. 14.

Certain provisions to be kept in force.

No office vacated.

Duty by former act continued until, &c.

Manufactures on hand.

No direct tax to be assessed until, &c.

1861, ch. 45,
Vol. xii. p. 292.

Regulations of commissioner.

Section 119 of act 1862, ch. 119, to remain in force.
Vol. xii. p. 489.

section of the act of March third, eighteen hundred and sixty-three, entitled "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," so far as the same applies to officers of internal revenue. And, also, the act of March seventh, eighteen hundred and sixty-four, entitled "An act to increase the internal revenue, and for other purposes," together with all acts and parts of acts inconsistent herewith: *Provided*, That all the provisions of said acts shall be in force for levying and collecting all taxes, duties, and licenses properly assessed or liable to be assessed, or accruing under the provisions of former acts, or drawbacks, the right to which has already accrued, or which may hereafter accrue, under said acts, and for maintaining and continuing liens, fines, penalties, and forfeitures incurred under and by virtue thereof. And for carrying out and completing all proceedings which have been already commenced, or that may be commenced, to enforce such fines, penalties, and forfeitures, or criminal proceedings under said acts, and for the punishment of crimes of which any party shall be or has been found guilty: *And provided, further*, That no office created by the said acts, and continued by this act, shall be vacated by reason of any provisions herein contained, but the officers heretofore appointed shall continue to hold the said offices without reappointment: *And provided, further*, That whenever the duty imposed by any existing law shall cease in consequence of any limitation therein contained before the respective provisions of this act shall take effect, the same duty shall be, and is hereby, continued until such provisions of this act shall take effect; and when any act is hereby repealed, no duty imposed thereby shall be held to cease, in consequence of such repeal, until the respective corresponding provisions of this act shall take effect: *And provided, further*, That all manufactures and productions on which a duty was imposed by either of the acts repealed by this act, which shall be in possession of the manufacturer or producer, or of his agent or agents; on the day when this act takes effect, the duty imposed by any such former act not having been paid, shall be held and deemed to have been manufactured or produced after said date; and whenever by the terms of this act a duty is imposed upon any articles, goods, wares, or merchandise manufactured or produced, upon which no duty was imposed by either of said former acts, it shall apply to such as were manufactured or produced, and not removed from the place of manufacture or production, on the day when this act takes effect: *And provided, further*, That no direct tax whatsoever shall be assessed or collected under this or any other act of congress heretofore passed, until congress shall enact another law requiring such assessment and collection to be made; but this shall not be construed to repeal or postpone the assessment or collection of the first direct tax levied, or which should be levied, under the act entitled "An 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, nor in any way to affect the legality of said tax or or any process or remedy provided in said acts, or any other acts, for the enforcement or collection of the same in any state or states and territories and the District of Columbia; but said first tax, and any such process or remedy, shall continue in all respects in force, anything in this act to the contrary notwithstanding.

SEC. 174. *And be it further enacted*, That the said commissioner of internal revenue, under the direction of the Secretary of the Treasury, is authorized to make all such regulations, not otherwise provided for, as may become necessary by reason of the alteration of the laws in relation to internal revenue, by virtue of this act.

SEC. 175. *And be it further enacted*, That the one hundred and nineteenth section of an act entitled "An act to provide internal revenue to support the government and to pay interest on the public debt,"

approved July first, eighteen hundred and sixty-two, shall remain in full force.

SEC. 176. *And be it further enacted,* That when any tax or duty is imposed by law, and the mode or time of assessment or collection is not therein provided, the same shall be established by regulation of the Secretary of the Treasury. Mode, &c., of assessment of certain taxes.

SEC. 177. *And be it further enacted,* That every collector to whom any duty upon cotton shall be paid shall mark the bales or other packages upon which the duty shall have been paid, in such manner as may clearly indicate the payment thereof, and shall give to the owner, or other person having charge of such cotton, a permit for the removal of the same, stating therein the amount and payment of [the] duty, the time and place of payment, the weight and marks upon the bales and packages, so that the same may be fully identified. Whenever any cotton, the product of the United States, shall arrive at any port of the United States from any state in insurrection against the government, the assessor or assistant assessor shall immediately assess the taxes due thereon, and shall, without delay, return the same to the collector or deputy collector of said district, and the said collector or deputy collector shall demand of the owner or other person having charge of such cotton the tax imposed by this act, and assessed thereon, unless evidence of previous payment of such tax shall be produced, under such regulations as the commissioner of internal revenue, by the direction of the Secretary of the Treasury, shall from time to time prescribe; and in case the tax so assessed shall not be paid to such collector within ten days after demand, the collector or deputy collector, as aforesaid, shall institute proceedings for the recovery of the tax, as hereinbefore provided, which said tax shall be a lien upon said cotton from the time when said assessment shall be made: *Provided,* That all cotton sold by, or on account of, the government of the United States shall be free and exempt from duty at the time of and after the sale thereof, and the same shall be marked free, and the purchaser furnished with such a bill of sale as shall clearly and accurately describe the same, which shall be deemed and taken to be a permit authorizing the sale or removal thereof. When duty on cotton is paid, bales to be marked.
Cotton from states in insurrection.
Cotton sold for the United States to be free of duty.

SEC. 178. *And be it further enacted,* That consuls of foreign countries in the United States, who are not citizens thereof, shall be, and hereby are, exempt from any income tax imposed by this act which may be derived from their official emoluments, or from property in such countries: *Provided,* That the governments which such consuls may represent shall extend similar exemption to consuls of the United States. Foreign consuls to be exempt from income tax, when, &c.

SEC. 179. *And be it further enacted,* That, where it is not otherwise provided for in this act, it shall be the duty of the collectors, in their respective districts, and they are hereby authorized, to prosecute for the recovery of any sum or sums that may be forfeited by virtue of this act; and all fines, penalties, and forfeitures which may be imposed or incurred by virtue of this act shall and may be sued for and recovered, where not otherwise herein provided, in the name of the United States, in any proper form of action, or by any appropriate form of proceeding, before any circuit or district court of the United States for the district within which said fine, penalty, or forfeiture may have been incurred, or before any court of competent jurisdiction; and where not otherwise herein provided for, one moiety shall be to the use of the person who, if a collector or deputy collector, shall first inform of the cause, matter, or thing whereby any such fine, penalty, or forfeiture shall have been incurred, and the other moiety to the use of the United States. And the several circuit and district courts of the United States shall have jurisdiction of all offences against any of the provisions of this act committed within their several districts. Collectors to prosecute for recovery of forfeitures.
Post, p. 483.
What courts have jurisdiction.

SEC. 180. *And be it further enacted.* That if any person liable and

Penalty for selling article liable to tax before tax is paid.

required to pay any tax upon any article, goods, wares, merchandise, or manufactures, as herein provided, shall sell, or cause or allow the same to be sold, before the tax to which such article, goods, wares, merchandise, or manufacture is legally liable, is paid, with intent to avoid such tax, or in fraud of the revenue herein provided, any debt contracted in the sale of such article, goods, wares, merchandise, or manufactures, or any security given therefor, unless the same shall have been bona fide transferred to the hands of an innocent holder, shall be entirely void, and the collection thereof shall not be enforced in any court. And if any such article, goods, wares, merchandise, or manufacture has been paid for, in whole or in part, the sum so paid shall be deemed forfeited, and any person who will sue for the same in an action of debt shall recover of the seller the amount so paid, one half to his own use, and the other half to the use of the United States.

Appropriation for expenses of internal revenue acts.

SEC. 181. *And be it further enacted*, That four hundred thousand dollars, or so much thereof as may be necessary for the payment of the expenses incident to carrying into effect the various acts connected with internal revenue which are or may be authorized and payable after the first of July, eighteen hundred and sixty-four, is hereby appropriated for that purpose, payable out of any money in the treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury. And it shall be the duty of the collectors of internal revenue, as the secretary may direct, to act as disbursing agents to pay the aforesaid expenses, without increased compensation therefor, who shall give good and sufficient bonds for the faithful performance of their duties as such disbursing agents for such sum and in such form as shall be prescribed by the first comptroller of the treasury, subject to the approval of the Secretary of the Treasury: *Provided*, That the aforesaid appropriation shall continue in force to the thirtieth day of June, eighteen hundred and sixty-five, and thereafter the Secretary of the Treasury shall embrace in his annual estimates the amount which, in his opinion, will be required for the expenses of this branch of the public service.

Collectors to be disbursing agents.

Word "state" to include "territories," and District of Columbia.

SEC. 182. *And be it further enacted*, That wherever the word state is used in this act, it shall be construed to include the territories and the District of Columbia, where such construction is necessary to carry out the provisions of this act.

APPROVED, June 30, 1864.

June, 30, 1864.

CHAP. CLXXIV. — *An Act to regulate Prize Proceedings and the Distribution of Prize Money, and for other Purposes.*

Duty of commander of vessel making captures. Documents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the commanding officer of any vessel or vessels making a capture to secure the documents of the ship and cargo, including the log-book, with all other documents, letters, and other papers found on board, and make an inventory of the same, and seal them up, and send them up, and the inventory, to the court in which proceedings are to be had, with a written statement that they are all the papers found, and in the condition in which they were found, or explaining the absence of any documents or papers, or any change in their condition. He shall send to said court, as witnesses, the master, one or more of the other officers, the supercargo, purser, or agent of the prize, and any person found on board whom he may suppose to be interested in, or to have knowledge respecting, the title, national character, or destination of the prize. He shall send the prize, with the documents, papers, and witnesses, under charge of a competent prize master and prize crew, into port for adjudication, explaining the absence of any usual witnesses; and in the absence of instructions from superior authority as to the port to which it shall be sent, he shall select such port as he shall

Witnesses.

Prize master and crew.

deem most convenient in view of the interests of probable claimants, as well as of the captors. If the captured vessel, or any part of the captured property, is not in condition to be sent in for adjudication, a survey shall be had thereon and an appraisalment made by persons as competent and impartial as can be obtained, and their reports shall be sent to the court in which proceedings are to be had; and such property, unless appropriated for the use of the government, shall be sold by the authority of the commanding officer present, and the proceeds deposited with the assistant treasurer of the United States most accessible to said court, and subject to its order in the cause.

Duty of commander, if captured vessel cannot be sent in.

SEC. 2. *And be it further enacted,* That if any vessel of the United States shall claim to share in the prize, either as having made the capture, or as having been within signal distance of the vessel or vessels making the capture, the commanding officer of such vessel shall make out a written statement of his claim, with the grounds on which it is rested, the principal facts tending to show what vessels made the capture, and what vessels were within signal distance of those making the capture, with reasonable particularity as to times, distances, localities, and signals made, seen, or answered; and such statement of claim shall be signed by him and sent to the court in which proceedings shall be had, and shall be filed in the cause.

If vessels claim to share prize, commander to make a statement.

SEC. 3. *And be it further enacted,* That it shall be the duty of the prize master to make his way diligently to the selected port, and there immediately deliver to a prize commissioner the documents and papers, and the inventory thereof, and make affidavit that they are the same and in the same condition as delivered to him, or explaining any absence or change of condition therein, and that the prize property is in the same condition as delivered to him, or explaining any loss or damage thereto; and he shall further report to the district attorney, and give to him all the information in his possession respecting the prize and her capture; and he shall deliver over the persons sent as witnesses to the custody of the marshal, and shall retain the prize in his custody until it shall be taken therefrom by process from the prize court.

Duty of prize master.

SEC. 4. *And be it further enacted,* That the attorney of the United States for the district shall immediately file a libel against such prize property, and shall forthwith obtain a warrant from the court directing the marshal to take it into his custody, and shall proceed diligently to obtain a condemnation and distribution thereof, and to that end shall see that the proper preparatory evidence is taken by the prize commissioners, and that the prize commissioners also take the depositions de bene esse of the prize crew and other transient persons cognizant of any facts bearing on condemnation or distribution. It shall also be the duty of the district attorney to represent the interests of the United States in all prize causes, and he shall not act as separate counsel for the captors on any private retainer or compensation from them, unless in a question between the claimants and the captors on a demand for damages. The district attorney shall examine all fees, costs, and expenses, sought to be charged on the prize fund, and protect the interest of the captors and of the United States. The district attorneys of all districts in which any prize causes are or may be pending, shall, as often as once in three months, send to the Secretary of the Navy a statement of the condition of all prize causes pending in their districts, in such form and embracing such particulars as the Secretary of the Navy shall require.

United States attorney to file libel and procure condemnation;

not to act as counsel for captors, unless, &c.;

to examine fees, costs, &c.;

to report quarterly to Secretary of Navy.

SEC. 5. *And be it further enacted,* That any district court may appoint prize commissioners, not exceeding three in number, of whom one shall be a retired naval officer, approved by the Secretary of the Navy, who shall receive no other compensation than his pay in the navy, and who shall protect the interests of the captors and of the Department of the Navy in the prize property, and at least one of the others shall be

Prize commissioners.

a member of the bar of the court, of not less than three years' standing, and acquainted with the taking of depositions.

Duty of prize commissioners.

SEC. 6. *And be it further enacted*, That the prize commissioners, or one of them, shall receive from the prize master the documents and papers, and inventory thereof, and shall take the affidavit of the prize master hereinbefore required, and shall forthwith take the testimony of the witnesses sent in, separate from each other, on interrogatories prescribed by the court, in the manner usual in prize courts; and the witnesses shall not be permitted to see the interrogatories, documents, or papers, or to consult with counsel, or with any persons interested, without special authority from the court; and the witnesses who have the rights of neutrals shall be discharged as soon as practicable. The prize commissioners shall also take depositions *de bene esse* of the prize crew and others, at the request of the district attorney, on interrogatories prescribed by the court. They shall also, as soon as any prize property comes within the district for adjudication, examine the same, and make an inventory thereof, founded on an actual examination, and report to the court whether any part of it is in a condition requiring immediate sale for the interests of all parties, and notify the district attorney thereof; and if it be necessary to the examination or making of the inventory that the cargo be unladen, they shall apply to the court for an order to the marshal to unlade the same, and shall, from time to time, report to the court anything relating to the condition of the property, or its custody or disposal, which may require any action by the court, but the custody of the property shall be only in the marshal. They shall also seasonably return into court, sealed and secured from inspection, the documents and papers which shall come to their hands, duly scheduled and numbered, and the other preparatory evidence, and the evidence taken *de bene esse*, and their own inventory of the prize property; and if the captured vessel, or any of its cargo or stores, are such that, in their judgment, may be useful to the government in war, they shall report the same to the Secretary of the Navy.

Marshal to keep prize property safely, &c.;

SEC. 7. *And be it further enacted*, That the marshal shall safely keep all prize property under warrant from the court, and shall report to the court any cargo or other property that he thinks requires to be unladen and stored, or to be sold. He shall insure prize property if, in his judgment, it is for the interest of all concerned. He shall keep in his custody all persons found on board a prize and sent in as witnesses, until they are released by the prize commissioners or the court. If a sale of property is ordered, he shall sell the same in the manner required by the court, and collect the purchase-money, and forthwith deposit the gross proceeds of the sales with the assistant treasurer of the United States nearest the place of sale, subject to the order of the court in the particular cause; and each marshal shall forward to the Secretary of the Navy, whenever and as often as he may require it, a full statement of the condition of each prize and of the disposition made thereof.

to keep witnesses, &c., in custody.

When prize property may be sold.

SEC. 8. *And be it further enacted*, That, whenever any prize property shall be condemned, or shall at any stage of the proceedings be found by the court to be perishing, perishable, or liable to deteriorate or depreciate, or whenever the costs of keeping the same shall be disproportionate to its value, it shall be the duty of the court to order a sale thereof; and whenever, after the return day on the libel, all the parties in interest who have appeared in the cause shall agree thereto, the court is authorized to make such order, and no appeal shall operate to prevent the making or execution of such order. The Secretary of the Navy shall employ an auctioneer or auctioneers of known skill in the branch of business to which any sale pertains, to make the sale, but the sale shall be conducted under the supervision of the marshal, and the collecting and depositing of the gross proceeds shall be by the auctioneer or his agent. Before any sale the

Auctioneers.

Mode of sale.

marshal shall cause full catalogues and schedules to be prepared and circulated, and a copy of each shall be returned by the marshal to the court in each cause. The marshal shall cause all sales to be advertised fully and conspicuously in newspapers ordered by the court, and by posters, and he shall, at least five days before the sale, serve notice thereof upon the naval prize commissioner, and the goods shall be open to inspection at least three days before the sale.

Sales to be advertised.

SEC. 9. *And be it further enacted*, That in case a decree of condemnation shall be rendered, the court shall consider the claims of all vessels to participate in the proceeds, and for that purpose shall, at as early a stage of the cause as possible, order testimony to be taken tending to show what part should be awarded to the captors, and what vessels are entitled to share, and such testimony may be sworn to before any judge or commissioner of the courts of the United States, consul, or commercial agent of the United States, or notary-public, or any officer of the navy highest in rank, reasonably accessible to the deponent. The court shall make a decree of distribution, determining what vessels are entitled to share in the prize, and whether the prize was of superior, equal, or inferior force to the vessel or vessels making the capture. And said decree shall recite the amount of the gross proceeds of the prize subject to the order of the court, and the amount deducted therefrom for costs and expenses, and the amount remaining for distribution, and whether the whole of such residue is to go to the captors, or one half to the captors, and one half to the United States.

Court to decide what vessels shall share in the prize.

SEC. 10. *And be it further enacted*, That the net proceeds of all property condemned as prize shall, when the prize was of superior or equal force to the vessel or vessels making the capture, be decreed to the captors; and when of inferior force, one half shall be decreed to the United States and the other half to the captors: *Provided*, That, in case of privateers and letters-of-marque, the whole shall be decreed to the captors, unless it shall be otherwise provided in the commissions issued to such vessels. All vessels of the navy within signal distance of the vessel or vessels making the capture, under such circumstances and in such condition as to be able to render effective aid if required, shall share in the prize; and in case of vessels not of the navy, none shall be entitled to share except the vessel or vessels making the capture, in which term shall be included vessels present at the capture and rendering actual assistance in the capture. All prize money adjudged to the captors shall be distributed in the following proportions, namely:—

Net proceeds of prizes, how to be distributed.

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

What vessels to share.

Second. To the commanding officer of a division of a fleet or squadron, on duty under the orders of the commander-in-chief of such fleet or squadron, a sum equal to one fiftieth part of any prize money awarded to a vessel of such division for a capture made while under his command, the said fiftieth part to be deducted from the moiety due to the United States, if there be such moiety, otherwise from the amount awarded to the captors: *Provided*, That such fiftieth part shall not be in addition to any share which may be due to the commander of the division, and which he may elect to receive, as commander of a single ship making or assisting in the capture.

Proportions of shares; of commander of fleet or squadron;

of commander of division of fleet;

Third. To the fleet-captain, one hundredth part of all prize money awarded to any vessel or vessels of the fleet or squadron in which he is serving, except in a case where the capture is made by the vessel on board of which he is serving at the time of such capture; and in such case he shall share, in proportion to his pay, with the other officers and men on board such vessel, as is hereinafter provided.

of fleet-captain;

Fourth. To the commander of a single ship, one tenth part of all the

of commander of single ship;

Shares of prize money. prize money awarded to the ship under his command, if such ship at the time of the capture was under the command of the commanding officer of a fleet or squadron, or a division, and three twentieths if his ship was acting independently of such superior officer.

Residue, how distributed. Fifth. After the foregoing deductions, the residue shall be distributed and proportioned among all others doing duty on board, (including the fleet-captain,) and borne upon the books of the ship, in proportion to their respective rates of pay in the service.

Certain officers not to receive shares of certain prizes. No commanding officer of a fleet or squadron shall be entitled to receive any share of prizes captured by any vessel or vessels not under his command, nor of such prizes as may have been captured by any ships or vessels intended to be placed under his command, before they have acted under his orders. Nor shall the commanding officer of a fleet or squadron, leaving the station where he had command, have any share in the prizes taken by ships left on such station after he has gone out of the limits of his said command, nor after he has transferred his command to his successor. No officer or other person who shall have been temporarily absent on duty from a vessel on the books of which he continued to be borne, while so absent, shall be deprived, in consequence of such absence, of any prize money to which he would otherwise be entitled. And he shall continue to share in the captures of the vessels to which he is attached until regularly discharged therefrom.

Bounty for persons on vessels of enemy destroyed by United States vessels. SEC. 11. *And be it further enacted,* That a bounty shall be paid by the United States for each person on board any ship or vessel-of-war belonging to an enemy at the commencement of an engagement, which shall be sunk or otherwise destroyed in such engagement by any ship or vessel belonging to the United States, or which it may be necessary to destroy in consequence of injuries sustained in action, of one hundred dollars, if the enemy's vessel was of inferior force, and of two hundred dollars, if of equal or superior force, to be divided among the officers and crew in the same manner as prize money; and when the actual number of men on board any such vessel cannot be satisfactorily ascertained, it shall be estimated according to the complement allowed to vessels of its class in the navy of the United States; and there shall be paid as bounty to the captors of any vessel-of-war captured from an enemy, which they may be instructed to destroy, or which shall be immediately destroyed for the public interest, but not in consequence of injuries received in action, fifty dollars for every person who shall be on board at the time of such capture. All ransom money, salvage, bounty, or proceeds of condemned property, accruing or awarded to any vessel of the navy, shall be distributed and paid to the officers and men entitled thereto in the same manner as prize money, under the direction of the Secretary of the Navy.

Ransom money, salvage, &c., how distributed and paid. SEC. 12. *And be it further enacted,* That every assignment of prize or bounty money, or wages, due to persons enlisted in the naval service, and all powers of attorney or other authority to draw, receipt for, or transfer the same, shall be void, unless the same be attested by the captain, or other commanding officer, and the paymaster; and in case of any assignment of wages, the same shall specify the precise time when they commence. But the commanding officer of every vessel is required to discourage his crew from selling any part of their prize money or wages, and never to attest any power of attorney until he is satisfied that the same is not granted in consideration of money given for the purchase of prize money or wages.

Assignments of prize money, &c. to be void unless, &c. SEC. 13. *And be it further enacted,* That appeals from the district courts of the United States in prize causes shall be directly to the supreme court, and shall be made within thirty days of the rendering of the decree appealed from, unless the court shall previously have extended the time, for cause shown in the particular case, and the supreme court shall always be open for the entry of such appeals. Such appeals may

Appeals in prize cases.

When may be claimed.

be claimed whenever the amount in controversy exceeds two thousand dollars, and, in other cases, on the certificate of the district judge that the adjudication involves a question of general importance. Notwithstanding such appeal, the district court may make and execute all necessary orders for the custody and disposal of the prize property; and in case of appeal from a decree of condemnation, may still proceed to make a decree of distribution so far as to determine what share of the prize shall go to the captors, and what vessels are entitled to participate therein. Any prize cause now pending in any circuit court shall, on the application of all parties in interest, who have appeared in the cause, be transferred by that court to the supreme court; and such transfer may be made, in the discretion of the court, and on such terms as it may direct, on the application of any party: *Provided*, That if the amount in controversy does not exceed two thousand dollars, such transfer shall not be made unless the court shall certify that the adjudication involves a question of general importance. All appeals to the supreme court from the circuit court in prize causes, now remaining therein, shall be claimed and allowed in the same manner as in cases of appeal from the district court to the supreme court. In any case of appeal or transfer the court below, or the appellate court, may order any original document or other evidence to be sent up, in addition to the copy of the record, or in lieu of a copy of a part thereof.

District court to do certain acts, notwithstanding appeal.

Prize cases in circuit courts may be transferred to supreme court.

Proviso.

Appeals.

SEC. 14. *And be it further enacted*, That all costs and all expenses incident to the bringing in, custody, preservation, insurance, sale, or other disposal of prize property, when allowed by the court, shall be a charge upon the same, and be paid therefrom, unless the court shall decree restitution free from such charge. No payments shall be made from any prize fund, except upon the order of the court. All charges for work and labor, materials furnished, or money paid, shall be supported by affidavit or vouchers. The court may, at any time, order the payment, from the deposit made with the assistant treasurer in the cause, of any costs or charges accrued and allowed. When the cause is finally disposed of, the court shall make its order or orders on the assistant treasurer to pay the costs and charges allowed and unpaid; and in case the final decree shall be for restitution, or in case there shall be no money subject to the order of the court in the cause, any costs or charges allowed by the court, and not paid by the claimants, shall be a charge upon, and be paid out of, the fund for defraying the expenses of suits in which the United States is a party or interested.

Costs and expenses to be a charge upon the property, unless, &c.

Rules for payments.

SEC. 15. *And be it further enacted*, That the court may require any party, at any stage of the cause, and on claiming an appeal, to give security for costs.

On appeals, security may be required for costs.

SEC. 16. *And be it further enacted*, That the net amount decreed for distribution to the United States, or to vessels of the navy, shall be ordered by the court to be paid into the treasury of the United States, to be distributed according to the decree of the court. And the Treasury Department shall credit the Navy Department with each amount received to be distributed to vessels of the navy; and the persons entitled to share therein shall be severally credited in their accounts with the Navy Department with the amounts to which they are respectively entitled. In case of vessels not of the navy, the distribution shall be made by the court to the several parties entitled thereto, and the amounts decreed to them shall be divided between the owners and the ship's company, according to any written agreement between them, and in the absence of such agreement, one half to the owners and one half to the ship's company, according to their respective rates of pay on board; and the court may appoint a commissioner to make such distribution, subject to the control of the court, who shall make due return of his doings, with proof of actual payments by him, and who shall receive no other compensation, directly or indirectly, than such as shall be allowed him by the court: *Provided*, That in case of vessels not of the navy, but controlled by any department of the gov-

Net amount for distribution to navy vessels to be paid into treasury.

Credits to Navy Department and others.

Distribution to vessels not of the navy.

Commissioner to distribute.

ernment, the whole amount decreed to the captors shall be divided among the ship's company.

Clerks of district courts to render accounts semi-annually to Secretary of Treasury and Navy;

SEC. 17. *And be it further enacted,* That the clerk of each district court shall render to the Secretary of the Treasury and the Secretary of the Navy a semi-annual statement, beginning with the first day of July next, of all the sums allowed by the court and ordered to be paid, within the previous half year, to the district attorney and prize commissioners for services, and to marshals for fees and commissions; and he shall, in all prize causes in the district, for the purpose of the final decree of distribution, ascertain and keep an account of the amount deposited with the assistant treasurer, subject to the order of the court, in each prize cause, and the amounts ordered to be paid therefrom as costs and charges, and the residue for distribution; and shall send copies of all final decrees of distribution to the Secretary of the Treasury and the Secretary of the Navy; and shall draw the orders of the court for the payment of all costs and allowances, and for the distribution of the residue. And for the said services he shall be entitled to receive the sum of twenty-five dollars in each prize cause, which shall be in full for the services required by this section.

to keep account of deposits with assistant treasurer.

Fees for service.

Allowances and commissions to marshals.

SEC. 18. *And be it further enacted,* That the marshal shall be allowed his actual and necessary expenses, for the custody, care, preservation, insurance, sale, or other disposal of the prize property, and for executing any order of the court respecting the same, and shall have a commission of one quarter of one per centum on vessels, and of one half of one per centum on all other prize property, calculated on the gross proceeds of each sale; and if, after he shall have had any prize property in his custody, and shall have actually performed labor and incurred responsibility for the care and preservation thereof, the same shall be taken by the United States for its own use without a sale, or if it shall be delivered on stipulation to the claimants, he shall, in case the same shall be condemned, be entitled to one half the above commissions on the amount deposited by the United States to the order of the courts, or collected upon the stipulation. No charges of the marshal for expenses or disbursements shall be allowed, except upon his oath that the same have been actually and necessarily incurred for the purpose stated.

Marshals and clerks not to retain more than maximum compensation.

1853, ch. 80, § 3.
Vol. x. p. 165.

SEC. 19. *And be it further enacted,* That neither the marshal nor the clerk shall be permitted to retain for all official services, of every kind, excepting those in prize causes, more than the maximum compensation allowed to be retained by him by the third section of the act of the twenty-sixth of February, eighteen hundred and fifty-three; nor shall the additional compensation which either of said officers shall be permitted to retain for all services, of every kind, in prize causes, exceed one half the maximum compensation allowed to them, respectively, by the aforesaid act.

Compensation of district attorneys and prize commissioners.

SEC. 20. *And be it further enacted,* That the district attorney and prize commissioners, except the naval officer, shall be allowed a just and suitable compensation for their respective services in each prize cause, to be adjusted and determined by the court, and to be paid as costs in the cause.

District attorney and prize commissioner to render accounts annually.

SEC. 21. *And be it further enacted,* That each district attorney and prize commissioner, except the naval officer, shall render to the Secretary of the Interior an annual account, beginning with the first day of July next, of all sums he shall have received for all services in prize causes within the previous year; and the district attorney shall be allowed to retain therefrom a sum not exceeding three thousand dollars for each year, in addition to the maximum compensation allowed to be retained by him by the third section of the act of the twenty-sixth February, eighteen hundred and fifty-three, or in addition to any salary he may receive in lieu of such maximum compensation; and each such prize commissioner shall be allowed to retain a sum not exceeding three thousand dollars for each year, which shall be in full for all his official services in prize causes; and

District attorney may retain not over \$3000 in addition to maximum.
Vol. x. p. 165.

Prize commissioner may retain \$3000 a year.

any excess over those respective amounts shall be paid by the officer receiving the same into the treasury of the United States, and shall be credited to the fund for paying naval pensions. Excess to be paid over.

SEC. 22. *And be it further enacted*, That the auctioneers employed to make sales of prize property shall be entitled to receive commissions by a scale to be established by the Secretary of the Navy, not to exceed, in any case, one half of one per centum on any sum exceeding ten thousand dollars on vessels, nor one per centum on said sum of other prize property, which shall be in full for his expenses, as well as their services; and in case no such scale shall be established, they shall be entitled to receive such compensation as the court shall deem just under the circumstances of each case. Auctioneers' pay, &c.

SEC. 23. *And be it further enacted*, That in any case of capture heretofore made, or that may hereafter be made by vessels of the navy, the Secretary of the Navy may employ special counsel for captors, when, in his judgment, the services of such special counsel are needed in the particular case, for the due protection of the interests of the captors and of the navy-pension fund; and under the direction of the Secretary of the Navy such counsel may institute and prosecute such proceedings in the case as may be necessary and proper for the protection of such interests. The court may allow such compensation as it shall deem just under the circumstances of each case to special counsel for captors, not being the district attorney or any of his assistants, whether appointed by a department of the government or by the captors, for services actually rendered in the cause, to be paid as costs, in whole or in part either from the entire fund or from the portion awarded to the captors; but no such allowance shall be made except for services rendered on matters as to which the party the counsel represents has an adverse interest to the United States, or an interest otherwise proper in the opinion of the court to be represented by special counsel, or for services rendered in a contestation between parties claiming to participate in the distribution of the proceeds. Special counsel for captors.

SEC. 24. *And be it further enacted*, That fees of special counsel in prize cases incurred or authorized by any department of the government, or for the defence of captors against demands for damages made by claimants in the district court, not paid by claimants, nor from the prize fund in the particular cause, and audited and allowed by the department incurring or authorizing them, and by the solicitor of the treasury, shall be a charge, upon and paid out of, the funds appropriated for defraying the expenses of suits in which the United States is a party or interested. Court may allow compensation.

SEC. 25. *And be it further enacted*, That whenever the court shall allow fees to any witness in a prize cause, or fees for taking evidence out of the district in which the court sits, and there is no money subject to its order in the cause, the same shall be paid by the marshal, and shall be repaid to him from any money deposited to the order of the court in said cause; and any amount not so repaid the marshal shall be allowed as witness fees paid by him in cases in which the United States is a party. Fees of special counsel to be charged to what fund.

SEC. 26. *And be it further enacted*, That no prize property shall be delivered to the claimants on stipulation, deposit, or other security, except where there has been a decree of restitution and the captors have appealed therefrom, or where the court, after a full hearing on the preparatory proofs, has refused to condemn the property on those proofs, and has given the captors leave to take further proofs, or where the claimant of any property shall satisfy the court that the same has a peculiar and intrinsic value to him, independent of its market value. In any of these cases, the court may deliver the property on stipulation or deposit of its value, if it shall be satisfied that the rights and interests of the United States and captors, or of other claimants, will not be prejudiced thereby, a satisfactory appraisal being first made, with an opportunity given to the district attorney and naval prize commissioner to be heard as to the appointment Witness fees, how to be paid.

Prize property not to be delivered to claimants on stipulation, &c., unless, &c.

of appraisers. And any money deposited in lieu of stipulation, and all money collected on a stipulation, not being costs, shall be deposited with the assistant treasurer in the same manner as proceeds of a sale.

If captured vessel, &c., is taken by government before it is in custody of prize court.

SEC. 27. *And be it further enacted,* That whenever any captured vessel, arms, munitions, or other material shall be taken for the use of the government before it comes into the custody of a prize court, it shall be surveyed, appraised, and inventoried by persons as competent and impartial as can be obtained, and the survey, appraisal, and inventory shall be sent to the court in which proceedings are to be had; and if taken afterwards, sufficient notice shall first be given to enable the court to have the property appraised for the protection of the rights of the claimants and captors. In all cases of prize property heretofore taken for, or appropriated, to the use of the government, or that shall hereafter be so taken or appropriated, the department for whose use it was or shall be taken or appropriated, shall deposit the value thereof with the assistant treasurer of the United States nearest to the place of the session of the court, subject to the order of the court in the cause.

Proceedings for adjudication how and where to be commenced, if property is not sent in, &c.

SEC. 28. *And be it further enacted,* That in case of any capture heretofore made, or that shall hereafter be made, if, by reason of its condition, or because the whole has been appropriated to the use of the United States, no part of the captured property has been or can be sent in for adjudication, or if the captured property be entirely lost or destroyed, proceedings for adjudication may be commenced in any district the Secretary of the Navy may designate. And in any such case the proceeds of anything sold, or the value of anything taken or appropriated for the use of the government, shall be deposited with the assistant treasurer in or nearest to that district, subject to the order of the court in the cause. If, when no property can be sent in for adjudication, the Secretary of the Navy shall not, within three months after any capture, designate a district for the institution of proceedings, the captors may institute proceedings for adjudication in any district. And if, in any case of capture, no proceedings for adjudication shall be commenced within a reasonable time, any parties claiming the captured property may, in any district court, as a court of prize, move for a monition to show cause why such proceedings shall not be commenced, or institute an original suit in such court for restitution, and the monition issued in either case shall be served on the attorney of the United States for the district, and on the Secretary of the Navy, as well as on such other persons as the court shall order to be notified.

When captors may institute proceedings.

Proceedings where captors delay commencing proceedings.

Salvage for recaptures.

SEC. 29. *And be it further enacted,* That when any vessel or other property shall have been captured by any force hostile to the United States, and shall be recaptured, and it shall appear to the court that the same had not been condemned as prize before its recapture, by any competent authority, the court shall award a meet and competent sum as salvage, according to the circumstances of each case; and if the captured property belonged to the United States, it shall be restored to the United States, and there shall be paid from the treasury of the United States the salvage, costs, and expenses ordered by the court; and if the recaptured property belonged to persons residing within or under the protection of the United States, the court shall adjudge the property to be restored to its owners upon their claim, on the payment of such sum as the court may award as salvage, costs, and expenses; and if the recaptured property belonged to any person permanently resident within the territory and under the protection of any foreign prince, government, or state in amity with the United States, and by the law or usage of such prince, government, or state, the property of a citizen of the United States would be restored under like circumstances of recapture, it shall be adjudged to be restored to such owner upon his claim, upon such terms as by the law or usage of such prince, government, or state would be required of a citizen

of the United States under like circumstances of recapture; and when no such law or usage shall be known, it shall be adjudged to be restored upon the payment of such salvage, costs, and expenses as the court shall order: *Provided*, That nothing in this act shall be construed to contravene any treaty of the United States. And the whole amount awarded as salvage shall be decreed to the captors, and no part to the United States, and shall be distributed as in the case of proceeds of property condemned as prize.

Recaptures.

No part of salvage to go to the United States.

SEC. 30. *And be it further enacted*, That if it shall appear to the court, in the case of any prize property ordered to be sold, that it will be for the interest of all parties to have it sold in another district, the court may direct the marshal to transfer the same to the district selected by the court for the sale, and to insure the same with proper orders as to the time and manner of selling the same. And it shall be the duty of the marshal so to transfer the property, and keep and sell the same in like manner as if the property were in his own district; and he shall deposit the gross proceeds of the sale with the assistant treasurer nearest to the place of sale, subject to the order of the court in which the adjudication thereon is pending; and the necessary expense attending the insuring, transferring, receiving, keeping, and selling the said property shall be a charge thereupon and upon the proceeds thereof; and whenever any such expense is paid in advance by the marshal, and he shall not be repaid from the proceeds, any amount not so repaid he shall be allowed as in case of expenses incurred in suits in which the United States is a party. The Secretary of the Navy may, in like manner, either by a general regulation or special direction in any cause, require a marshal to transfer any prize property from the district in which the judicial proceedings are pending to any other district for sale, and the same proceedings shall be had as if such transfer had been made by order of the court, as hereinbefore provided.

Captured property may be transferred to another district for sale.

SEC. 31. *And be it further enacted*, That if any person shall wilfully do any act, or aid, assist, or advise, in the doing of any act relating to the bringing in, custody, preservation, sale, or other disposition of any property captured as prize, or relating to any documents or papers connected with the property, or to any deposition or other document or paper connected with the proceedings, with intent to defraud, delay, or injure the United States, or any captor or claimant of such property, he shall, on conviction, be punished by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding five years, or both, at the discretion of the court.

Wilfully acting with intent to defraud, or delay captor or claimants, &c., how punished.

SEC. 32. *And be it further enacted*, That in the term "vessels of the navy" shall be included, for the purposes of this act, all armed vessels officered and manned by the United States, and under the control of the Department of the Navy.

Term "vessels of the navy" to include what.

SEC. 33. *And be it further enacted*, That the provisions of this act shall be applied to all captures made as prize by authority of the United States, or adopted and ratified by the President of the United States.

This act to apply to all captures, &c.;

SEC. 34. *And be it further enacted*, That this act shall apply to all prize proceedings now pending.

and to pending proceedings.

SEC. 35. *And be it further enacted*, That the act entitled "An act providing for salvage in cases of recapture," approved on the third day of March, in the year eighteen hundred, and the act entitled "An act in addition to the act concerning letters-of-marque, prizes, and prize goods," approved on the twenty-seventh day of January, in the year eighteen hundred and thirteen, and the act entitled "An act in addition to an act entitled an act in relation to the navy pension fund," approved on the sixteenth day of April, eighteen hundred and sixteen, and an act entitled "An act to facilitate judicial proceedings in adjudications upon captured property and for the better administration of the law of prize," approved on the twenty-fifth day of March, eighteen hundred and sixty-two, and

Repeal of acts of 1800, ch. 14. Vol. ii. p. 16.

1813, ch. 13. Vol. ii. p. 792.

1816, ch. 56. Vol. iii. p. 287.

1862, ch. 500. Vol. xii. p. 374.

1862, ch. 204;
§§ 2, 6, 12.

1863, ch. 86.
Vol. xii. p. 759.

the second, sixth, and twelfth sections of an act entitled "An act for the better government of the navy of the United States," approved on the seventeenth day of July, eighteen hundred and sixty-two, and the act entitled "An act further to regulate proceedings in prize cases and to amend various acts of congress in relation thereto," approved on the third day of March, eighteen hundred and sixty-three, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

APPROVED, June 30, 1864.

June 30, 1864.

CHAP. CLXXV. — *An Act to establish certain Post-Roads.*

Certain post-roads established in —
California,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following be established as post-roads: —

CALIFORNIA.

From San Buena Ventura, California, via Ravenna City, and Big Meadows on the Mohave River, to the sink of said river, and thence to Fort Mohave on the Colorado River, and Fort Whipple, to Santa Fé, New Mexico;

From Keysville, via Walker's Pass, Little Owen Lake, and Big Owen Lake, to Union Mills;

From Red Bluff, via Zelle's Ferry, Battle Creek, Parkville, Millville, and Buckeye, to Shasta;

From Los Angeles to La Paz, and thence to the capital of Arizona Territory, and thence to Santa Fe;

From San Jose, in Santa Clara County, via the mountain road leading into Pajer's Valley, to Watsonville, in Santa Cruz County;

From San Mateo to Pescadero, in Santa Cruz County;

From Aurora to San Carlos;

From Visalia to San Carlos;

From Stockton, via Copperopolis, to Angel's;

From Sonora, California, via Bridgeport, to Aurora, Nevada Territory

From Susanville, in Lassen County, California, to Boise City, in Idaho Territory;

From Campo Seco to Mokelumne Hill;

From Crescent City, California, to Waldo, Oregon;

From San Bernardino, California, to La Paz, Arizona Territory;

From Fulsom City, via Uniontown, to Coloma;

From San Pedro to Wilmington and Los Angeles.

Illinois.

ILLINOIS.

From Elgin, via Burlington, to Sycamore;

From Rock Island, via Camden Mills, Pleasant Ridge, Hazlet, Hamlet, Perryton, Aledo, High Point, New Boston, Keithsburg, Oquawka, Sagetown, Hopper's Mills, Shohoken, Tinappity, Dallas City, Pontoosac, and Appanoose, to Fort Madison, Iowa;

From Luda, Ogle County, to New Milford, Winnebago County;

From Argo, via Morrison road, in the town of York, and Baker's Spring, in the town of Union Grove, to Morrison;

From Hale, Ogle County, to Payne's Point;

From Beaverville, via Donovan, to Iroquois;

From Moro, via Ridgely, to Prairie City;

From Sparta, via Shiloh Hill, to Jones' Creek;

From Grand Ridge Settlement, in the southwest township of Kankakee County, via Norton township, Union Hill, Essex township, Kankakee County, and Reid township, in Will County, to Wilmington in same county;

From Joliet, via Grinton, in Troy township, and Seward, to Platteville, in Kendall County;

From Clifton, Iroquois County, via L'Erable, (intersecting main road running north and south on east side of Iroquois River,) and Martenton, to Middleport;

Post-roads established in

Illinois.

From Dupage, via East Wheatland, to Plainfield;

From Aurora, Kane County, via Wheatland, and Tamorack, to Plainfield;

From Naperville, Dupage County, to Copenhagen, in same county;

From Lamont, Cook County, via Dupage, Will County, to Naperville, Dupage County;

From Sycamore, De Kalb County, via Genoa, North Kingston, and Blood's Point, to Belvidere, Boone County;

From Shabbona, De Kalb County, to Malta, in same county;

From Chester to Red Bud;

From Lewistown, Fulton County, to Lincoln, Logan County;

From Carthage, Hancock County, via Charles Abbott's, and John Ruth's, to Dallas City, in Hancock and Henderson Counties;

From Carthage to Fountain Green, in Hancock County;

From Ottawa, via Ford's Comet, Prairie Centre, Ophir Centre, and Triumph, to Mendota.

INDIANA.

Indiana.

From Portland, via College, Antioch, Boundary City, and Pittsburg, to Salem;

From Perryville to State Line City;

From Union City, via New Pittsburg, and Antioch, to Jay Court-House.

IOWA.

Iowa.

From Washington, via North English, Webster, and Coal Creek, in Keokuk County, Union and New Sharon, to Granville, in Mahaska County;

From Vinton to Blainstown, in Benton County;

From Iuka, via Toledo, Wolf Creek, and Buckingham, to Waterloo;

From Lexington, via Washington, to Wassonville;

From Sioux City, Iowa, via Vermillion, and Yancton, in Dakota, Niobrarah, in Nebraska, to Gallatin and Bannock City, in Idaho Territory;

From Waterloo, via Hudson, Grundy Centre, and Vienna, to Marshalltown;

From Mt. Ayr, via Eugene, to Afton;

From Belle Plaine, via West Irving, Waltham, Brush, Grove, and and Six Mile Grove, to Waterloo;

From Fredericksburg to New Hampton;

From Marengo, in Iowa County, via Millersburg, North English, and South English, Edom, Scotland, Seventy-six, and Cedarville, to Washington;

From Monticello, via Castle Grove, Prairieburg, Boulder, Waubeck, and Jordan's Grove, to Marion;

From Onawa City, via Arcola, Mapleton, and Morris, to Ida;

From Lewis, via Oakfield, to Exira;

From Big Grove, via Newtown, to Harlan;

From Council Bluff, via Keg Creek, to Harlan;

From Council Bluff, via Keg Creek, Newtown, Harris Grove, and Oakfield, to Hamlin's Grove;

From Ottawa, via Glenn's and Garden Grove, to High Point;

From Indianola, via Oeola, to Leon;

From Decatur City, Iowa, via Princeton, and Trenton, Missouri, to Chillicothe;

From Lewis, via Grant, to Sciola;

Post-roads es-
tablished in

Iowa.

From Anamosa, Jones County, via Highland Grove and Walnut Fork, to Clarence, Cedar County ;

From Columbus City, Louisa County, via Downey's Station, West Branch, Cedar Bluffs, and Mechanicsville, to Anamosa, in Jones County ;

From State Centre, via Minerva, Illinois Grove, and New Providence, to Eldora ;

From Fort Dodge, via Rolfe and Spirit Lake, to Okoboji, Dickinson County ;

From Onowa City, Monona County, via Kennebec, Smithland Correctionville, Cherokee, O'Brien, and Peterson, to Spirit Lake, Dickinson County ;

From St. Charles, Floyd County, via Belmont, Goldfield and Eagle Grove, Wright County, to Fort Dodge, Webster County ;

From Maysville, Franklin County, via Otisville, Wall Lake, and Eagle Grove, Wright County, to Dakota, Humboldt County.

Kansas.

KANSAS.

From Rising Sun, via Arcola, to Grasshopper Falls ;

From Junction City, Kansas, to Denver, Colorado ;

From Junction City, Kansas, via the Republican River, to Fort Kearney, Nebraska ;

From Atchison, via Pardee, Grasshopper Falls, and Mount Florence, to Topeka ;

From Leavenworth, via Oskaloosa, Grasshopper Falls, Houlton, Circleville, and Lincoln, to Seneca ;

From Lawrence, via Baldwin City and Black Jack, to Paola ;

From Junction City, via the Solomon River, to Ayersville ;

From Topeka, to the Sax and Fox Agency ;

From Lawrence, via Osawatomie, to Fort Scott ;

From Leavenworth, via Grasshopper Falls, and Houlton to Fort Riley ;

From Lawrence, via Black Jack, and Stanton, to Osawatomie ;

From Fort Scott, via Baxter Springs, Toliquet, Fort Gibson, to Fort Smith, Arkansas ;

From Lawrence, via Oskaloosa, Grasshopper Falls, Monrovia, and Pardee, to Atchison.

Kentucky.

KENTUCKY.

From Bradfordsville, Marion County, via William T. Weatherford's, on Rush Branch, Powers' Store, and Low's Gate, to Hustonville, Lincoln County.

Maryland.

MARYLAND.

From Salisbury, via Friendship and Dublin, to Newtown ;

From Linganore, via Woodville, to Ridgeville ;

From Brookville, Montgomery County, via the Union Turnpike road, Silver Spring, and Brightwood, to Washington, District of Columbia.

Michigan.

MICHIGAN.

From Wayne's to Romulus ;

From Pere Marquette, Marva County, to Indian Town ;

From Midland to Isabella ;

From Big Rapids, Mecortter County, to Hersey Branch ;

From Unadilla to Plainfield, in Livingston County ;

From Constantine, via Hartt's Corners, Newburg, and Vandalia, to Cassopolis ;

From Steven's Landing, Somilac County, via Townships of Worth, Fremont, and Speaker, to Maple Valley, Somilac County.

MINNESOTA.

Post-roads es-
tablished in

- From Carver, via Waconia, to Watertown ;
 From Hastings, via Empire City, Farmington, and Lakeville, to Shakopee ;
 From Faxon, via Glencoe and Koniska, to Hutchinson ;
 From Jordan, via Lexington and Le Suer Centre, to Cleveland ;
 From St. Charles, via Saratoga and Troy, to Preston ;
 From Red Wing, Goodhue County, via Belle Creek, Hader, Norway, Kenyon, and East Prairieville, to Faribault, in Rice County ;
 From Monticello, Wright County, to Rockford, in same county ;
 From St. Cloud, Minnesota, via Fort Abercrombie and Bannock City, in the Territory of Idaho, to Fort Walla-Walla ;
 From Anoka, via Cedar Grove, Bethel, Linwood, Anoka County, and Oxford, North Branch, Isanti County, to Sunrise, Chisago County ;
 From Waukato, Minnesota, to the Winnebago Agency, Dakota Territory ;
 From Preston, via Arundahl and Argo, to Enterprise.

Missouri.

- From Saint Joseph, Missouri, via Rochester, Empire Prairie, and Smithtown, to Mount Ayr, Iowa ;
 From Saint Catherines, via North Salem and Kiddville, to Unionville.

NEW JERSEY.

New Jersey

- From German Valley, Morris County, via Middle Valley and Lower Valley, to High Bridge, Hunterdon County ;
 From Egg Harbor City, via Green Bank, Lower Bank, and Wading River, to Tuckerton ;
 From Seaville Station, on the Cape May and Millville Railroad, via Seaville, to Beasley's Point, Cape May County ;

NEW YORK.

New York.

- From Otisville, via Cuddlebackville, Oaklandville, and Hartwood, to Bellford ;
 From Port Jervis to Mongaup Valley ;
 From Chemung, New York, to Saint John's, Pennsylvania ;
 From Long Lake, via Newcomb, to Minewa ;
 From Georgetown, Madison County, via West Eaton, to Morrisville ;
 From Forestville to Kennedy, via Arkwright Summit, Hamlet, Villenova, Cherry Creek, Cedar Creek, and Ellington.

OHIO.

Ohio.

- From Gratis to Camden ;
 From McConnellsville, via Tunnell Ridge and Bloom Hill, to Rural Dale ;
 From Newcomerstown, to Bakersville ;
 From Delta, Ohio, via Pancker's Corners, Chase's Corners, Rathbone's Corners, Chaney's Corners, and Bassett's Corners, to Adrian, Michigan ;
 From Sciota Furnace, via Lyra, Clinton Furnace, and Powellsville, to Kelly's Mills ;
 From West Union, via Wheat Ridge, to Youngsville ;
 From Zanesville, via Symmes Creek, to Dresden ;
 From Litchfield to Grafton ;
 From South Charleston to South Solon ;
 From Carrollton, via Davis and Leesville, to Bowerstown ;
 From Bowerstown, via New Hagerstown, Palermo, and Algonquin, to Carrollton.

Post-roads es-
tablished in

OREGON.

Oregon.

From Portland, via Taylor's Ferry and Chehalem Gap, to Lafayette ;
From Lafayette to Tillamook Valley ;
From Dallas City, Oregon, via Canyon City and Independence, to
Boise City, Idaho ;
From Roseburg to Point Orford ;
From Roseburg, via Ten Mile Creek, Camas Valley, Junction of Mid-
dle and South Forks of Coquille, Lenharri's Prairie, and Sixes Mines,
to Port Orford.

Pennsylvania.

PENNSYLVANIA.

From Elderton, Armstrong County, to Plumville, Indiana County ;
From New Geneva, Fayette County, Pennsylvania, to Morgantown,
West Virginia ;
From Farmington, via Elm, to Dawson ;
From Wind Ridge to New Freeport ;
From Newport to Liverpool, in Perry County ;
From Shirland to Clinton ;
From Falls, Wyoming County, via Milltown and Shultzville, to Hum-
phreyville ;
From Reading, via Adam's Tavern, Brownsville, Klopp's Store, Het-
rich's Host, Wintersville, and Mount Ætna, to Myerstown ;
From Mauch Chunk, via Nesquehoning, and Summit Hill, to Tama-
qua ;
From Trout Run, via Lippincott's Mills, Murray's Run, Wallis' Run,
Kelley's Mills, and Plunkett's Creek, to Barbour's Mill ;
From the mouth of Cedar Run, via Lower Whetmores, Long Run,
and Westfield's, to Elk Run ;
From Millport, via Clara, to Oswego ;
From Jefferson Station, via Cordorus, to Brodbeck's, in York County ;
From Freeport, via State Lick and Melissurdale, to Leisurville ;
From Duncannon, via Dellville and Grier's Point, to Keystone ;
From West Alexandria to Independence ;
From Fall Brook to Canton ;
From Broadheadsville to Long Valley ;
From Dingman's Ferry, Pennsylvania, to Centreville, New Jersey ;
From Centretown, Mercer County, via Clintonville, to Emlenton, Ve-
nango County ;
From Garland to Eagle ;
From Comptonville, via Franklin's Corners, to Lockport ;
From Waterville to English Centre ;
From Middletown Centre, in Susquehanna County, to Rushville, in
same county ;
From Stone Church, Northampton County, via Roxbury, to Mount
Bethel, in same county ;
From Martin's Creek, Northampton County, via Flickville, Delpsburg,
and Roxbury, to Mount Bethel and Will's Ferry, in same county ;
From Clay Lick, via Welch Run, to Upton, in Franklin County ;
From Franklin, Venango County, via Sunville, to Kingsley Post-Office,
Crawford County ;
From Brady's Bend, Armstrong County, via Phillipsburg, Clarion
County, to Waterson's Ferry, Clarion County.

Vermont.

VERMONT.

From Montpelier, via Worcester, East Elmore, Elmore, and Wolcott,
to North Wolcott.

Wisconsin.

WISCONSIN.

From Amherst to Stevens' Point ;

From Mazomaine, Dane County, via West Blue Mounds and Moscow, to Green's Prairie, in Green County; Post-roads established in
 From Tempeleau to Arcadia; Wisconsin.
 From Mosinee to Marathon City;
 From Wausau to Smith's Corner;
 From Durand, via Waubeck, Dunnsville, Downs ville, Menominee, Cedar Falls, Eighteen-mile Creek, Running Valley, Cook's Valley, and Bloomer Prairie, to Chippewa Falls;
 From Epraim to Washington Harbor;
 From Barton to Young America;
 From Rising Sun, via Freeman and Rush Creek, to De Soto;
 From Wausau to Stettin;
 From River Falls, in Pierce County, via Beldenville, Ellsworth, and Rush River, to Maiden Rock, in said county, and thence across Lake Pepin to Lake City, in Wabashaw County, Minnesota;
 From Viroqua to Debello, in Vernon County;
 From Fort Howard, at the northern terminus of the Northwestern Railroad, to Stiles;
 From Fayette to Darlington, in Lafayette County;
 From Wausau, Marathon County, to Ontonagon, Michigan;
 From Avoca, via Clyde, to Dodgeville, Iowa County;
 From Blue River Station, Grant County, to Port Andrew, Richland County;
 From Green Bay, Brown County, via Red River and Lincoln, Kewaunee County, to Aknepee, Kewaunee County;
 From Potosi to Cassville, Grant County;
 From Tafton to Beetown, Grant County.

WEST VIRGINIA.

West Virginia.

From Lost Creek Post-Office, Harrison County, via Rockford and Johnstown, to Peel Tree Post-Office, in Barbour County.

ARIZONA TERRITORY.

Arizona.

From the Pimos Village to the Capitol of Arizona.

COLORADO.

Colorado.

From Denver, Colorado, along the eastern base of the Rocky Mountains, to East Bannock, in Idaho;

From Denver, Colorado, via Panchee Pass and Conejos, to Santa Fé, New Mexico;

From Denver to Bijou Basin;

From Golden City, via Ralston Creek and Boulder City, to Burlington.

DAKOTA.

Dakota.

From Fort Abercrombie, Dakota, to Bannock City, Idaho.

IDAHO.

Idaho.

From Boise City, via Bannock City, Centreville, Pioneer City, and Placerville, to Lewiston;

From Placerville to Fayetteville;

From Boise City to Esmeraldo, in Alturas County;

From Boise City, via Owyhee, to Humboldt, in Nevada Territory.

NEBRASKA.

Nebraska.

From Julesburgh, Nebraska, via Fort Laramie and Deer Creek, to Virginia City, in Idaho;

From Omaha City, by way of the Valley of the Elk Horn, to the Niobrara River.

NEVADA.

Post-roads established in Nevada.

From Aurora, Nevada, to Keysville, California ;
 From Onionville to Dun Glen, East Range ;
 From Virginia City, via Onionville, Star City, to Humboldt.

Utah.

UTAH.

From Fort Bridger, Utah, via Richville, Soda Springs, the Upper Crossing of Snake River and Virginia City, to Hell Gate, in Idaho ;
 From Fort Bridger, Utah, via Boise City, Idaho, and Grand Ronde Valley, Oregon, to Walla-Walla, Washington Territory ;
 From Salt Lake City, Utah, via Fillmore City and St. George, to Los Angelos, California ;
 From Salt Lake City, via E. T. City, Grantsville, Tooele, Shambiss, Cedar Fort, Fairfield, and Goshen, to Payson ;
 From Salt Lake City, Utah, via Provo City, Salt Creek, Fillmore City, Beaver, Parawan, Cedar City, to St. George ;
 From Brigham City, via Mendon, Wellsville, Hyrum, Millville, Providence, Logan, Hyde Park, Smithfield, and Richmond, to Franklin ;
 From Hyrum to Paradise ;
 From Ogden City to Plain City ;
 From Ogden City to Huntsville ;
 From Great Salt Lake City, via Jordan, to Herriman ;
 From Rockville to Springdale ;
 From Salt Creek, via Poule, Rounds, and Holden, to Fillmore ;
 From Sprigville, via Spanish Fork, Canon Fairview, Mount Pleasant, Springtown, Ephraim, and Manti, to Gunnison ;
 From Mount Pleasant to Moroni ;
 From Fountain to Wales ;
 From Cedar City, via Pinto, Pine Valley, Alger, Banney, and Diamond, to Saint George ;
 From Beaver to Minersville ;
 From Fillmore City to Deseret ;
 From Gunnison to Chicken Creek ;
 From Great Salt Lake City, via Mountain, Weber, Morgan, Porter, Corydon, Heuneffer, Coalville, Hoytville, Wauship, Peoa, Kansas, Heber, Mound, Midway, and Charleston, to Provo City.

APPROVED, June 30, 1864.

June 30, 1864. CHAP. CLXXVI. — *An Act to amend the Charter of the Washington and Georgetown Railroad Company.*

Washington, &c., railroad company may extend their road.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Washington and Georgetown railroad company shall have the right to extend their horse railway on any public highway in the county of Washington, commencing at the present terminus of either of their roads, extending north from Seventh and Fourteenth streets, and from the Capitol square to Maryland Avenue ; and extending north from the eastern extremity of that avenue, first having obtained the consent of the levy court therefor ; and may charge additional fare of five cents for every three miles on each branch so extended, for each and every passenger conveyed upon any road constructed in said county of Washington, outside of the limits of the cities of Washington and Georgetown : *Provided,* That nothing herein contained shall be construed so as to prevent congress from regulating the fare on either of said roads, or altering or amending the original charter of said company, or this amendment thereto, according to the provisions of said original charter.

Additional fare.

APPROVED, June 30, 1864.

CHAP. CLXXVII. — *An Act to aid in the Settlement, Subsistence, and Support of the Navajoe Indian Captives upon a Reservation in the Territory of New Mexico.* June 30, 1864.

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 moneys in the treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior, for the purpose of settling the Navajoe Indians, now captives in New Mexico, upon a reservation upon the Pecos River, in New Mexico, for the purchase of agricultural implements, seeds, and other articles necessary for such purpose, for breaking the ground, and for subsistence of said Indians to the end of the next fiscal year, the sum of one hundred thousand dollars.

Appropriation to settle the Navajoe Indians.

SEC. 2. *And be it further enacted,* That the said reservation may, under the direction of the Secretary of the Interior, be so extended and enlarged on the south, as to include the entire valley of the Pecos River, known as the Bosqué Grandé, and that the whole of said reservation, so enlarged, shall be designated and known as the Navajoe and Apache reservation, and as such shall, until otherwise ordered by law, be exempt from sale, and free from all occupancy except by the said Indians for the purposes herein mentioned; excepting such portion of the said land as is now occupied by Fort Sumner, or as may be needed for the use of said post.

Reservation may be extended, &c.

SEC. 3. *And be it further enacted,* That the southern Apache agency of New Mexico is hereby abolished, and that an agent for the Kioway, Apache, and Comanche Indians be appointed, at a salary of fifteen hundred dollars per annum.

Southern Apache agency abolished, &c.

APPROVED, June 30, 1864.

CHAP. CLXXVIII. — *An Act to carry into Effect a Convention between the United States of America and the United States of Colombia.* June 30, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of giving effect to a convention signed by the plenipotentiaries of the United States of America and the United States of Colombia, on the tenth of February, eighteen hundred and sixty-four, extending and renewing the provisions of the convention with the republic of New Granada, of tenth September, eighteen hundred and fifty-seven, the first eight sections of the "Act to carry into effect conventions between the United States and the republics of New Granada and Costa Rica," approved February twentieth, eighteen hundred and sixty-one, be, and the same are hereby, renewed, reenacted, and made applicable to the said convention of tenth February, eighteen hundred and sixty-four.

Convention between the United States and Colombia to be carried into effect.
Vol. xii. p. 985.
1861, ch. 45, §§ 1-8.
Vol. xii. p. 145.

APPROVED, June 30, 1864.

CHAP. CLXXIX. — *An Act authorizing the Secretary of the Navy to appoint a Commission to select a Site for a Navy Yard or Naval Station on the Western Waters, and for other Purposes.* June 30, 1864.

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 and empowered to appoint a commission consisting of one naval officer, one officer of the engineer corps, and one civilian, to select the most approved site for a navy yard, or naval station, on the Mississippi River, or upon one of its tributaries, and to report to the next session of congress.

Commission to select a site for a navy yard on the Mississippi.

APPROVED, June 30, 1864.

June 30, 1864. CHAP. CLXXX. — *An Act granting certain Privileges to the "Guardian Society" of the District of Columbia.*

Use of a certain reservation granted to the "Guardian Society."

1862, ch. 125.
Vol. xii. p. 499.

Permanent structures, how erected.

Rates of expenses to be approved in writing.
1862, ch. 125,
§ 11.
Vol. xii. p. 501.

Repealing clause.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the use and occupancy of all that part of reservation numbered seventeen, in the city of Washington, lying west of Second street east, and east of the easterly line of New Jersey avenue in said city, be, and the same is hereby, granted for the period of thirty-three years to the "Guardian Society" of the District of Columbia, a corporation duly established by act of congress, approved July first, eighteen hundred and sixty-two: *Provided,* That the said premises shall be used and occupied exclusively for the proper and legitimate purposes and objects of said Guardian Society: *And provided, further,* That said Guardian Society shall, within three years from and after the approval of this act, expend, in the erection of buildings upon said premises, suitable for a house of industry and a widows' and orphans' home, the sum of twenty thousand dollars, or more, otherwise the said use, as aforesaid, be forfeited to the United States.

SEC. 2. *And be it further enacted,* That all permanent buildings and structures upon said premises shall be erected and made in accordance with plans and specifications approved in writing and subscribed by the commissioner of public buildings.

SEC. 3. *And be it further enacted,* That the rates of expenses which are, or shall hereafter be, adopted by the said "Guardian Society," or the trustees thereof, for the support and maintenance of the several classes of persons described in the eleventh section of their said act of incorporation, shall be approved in writing and subscribed by a majority of the justices of the supreme court of the District of Columbia.

SEC. 4. *And be it further enacted,* That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED, June 30, 1864.

June 30, 1864. CHAP. CLXXXI. — *An Act to authorize the President of the United States to negotiate with certain Indians of Middle Oregon for a Relinquishment of certain Rights secured to them by Treaty.*

Authority and appropriation to negotiate a treaty with Indians of Middle Oregon.
Vol. xii. p. 963.

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 negotiate with the tribes known as the Confederated Indian Tribes of Middle Oregon, for the relinquishment of certain rights guaranteed to them by the first article of the treaty made with them April eighteenth, eighteen hundred and fifty-nine, by which they are permitted to fish, hunt, gather roots and berries, and pasture stock, in common with citizens of the United States, upon the lands and territories of the United States outside their reservations, and to defray the expenses of said treaty, and to pay said Indians for the relinquishment of said rights, that the sum of five thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, for that purpose.

APPROVED, June 30, 1864.

June 30, 1864. CHAP. CLXXXII. — *An Act in Relation to the Village of Deposit, Delaware County, New York.*

Village of "Deposit," for postal laws, &c., to be part of Delaware County, N. Y.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the village of Deposit, which is situate partly in the county of Delaware and partly in the county of Broome, in the State of New York, shall, for all the purposes of the postal laws and regulations of the United States, and the publication of the laws of the United States, and notices and other publications in pur-

suance of such laws, be regarded as within the [the] county of Delaware aforesaid.

APPROVED, June 30, 1864. _____

CHAP. CLXXXIII. — *An Act relating to the Compensation of Pension Agents.*

June 30, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be paid, over and above the compensation now allowed by law, to every pension agent disbursing fifty thousand dollars annually, not exceeding five hundred dollars per annum for clerk-hire, rent of office, and office expenses; and to every agent disbursing one hundred thousand dollars annually, not exceeding seven hundred and fifty dollars per annum; and for every fifty thousand dollars additional, not exceeding two hundred and fifty dollars per annum, for the purposes aforesaid: *Provided*, That in no case shall the amount of compensation to any one agent exceed the sum of four thousand dollars.

Clerk-hire and expenses of pension agents.

Maximum to be \$4000.

APPROVED, June 30, 1864. _____

CHAP. CLXXXIV. — *An Act authorizing a Grant to the State of California of the "Yo-Semite Valley," and of the Land embracing the "Mariposa Big Tree Grove."*

June 30, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be, and is hereby, granted to the State of California the "Cleft" or "Gorge" in the granite peak of the Sierra Nevada mountains, situated in the county of Mariposa, in the State aforesaid, and the headwaters of the Merced River, and known as the Yo-Semite valley, with its branches or spurs, in estimated length fifteen miles, and in average width one mile back from the main edge of the precipice, on each side of the valley, with the stipulation, nevertheless, that the said State shall accept this grant upon the express conditions that the premises shall be held for public use, resort, and recreation; shall be inalienable for all time; but leases not exceeding ten years may be granted for portions of said premises. All incomes derived from leases of privileges to be expended in the preservation and improvement of the property, or the roads leading thereto; the boundaries to be established at the cost of said State by the United States surveyor-general of California, whose official plat, when affirmed by the commissioner of the general land-office, shall constitute the evidence of the locus, extent, and limits of the said Cleft or Gorge; the premises to be managed by the governor of the State with eight other commissioners, to be appointed by the executive of California, and who shall receive no compensation for their services.

The "Yo-Semite Valley" granted to California.

Conditions of grant.

Leases and income therefrom.

Boundaries, how established.

SEC. 2. *And be it further enacted*, That there shall likewise be, and there is hereby, granted to the said State of California the tracts embracing what is known as the "Mariposa Big Tree Grove," not to exceed the area of four sections, and to be taken in legal sub-divisions of one quarter section each, with the like stipulation as expressed in the first section of this act as to the State's acceptance, with like conditions as in the first section of this act as to inalienability, yet with same lease privilege; the income to be expended in preservation, improvement, and protection of the property; the premises to be managed by commissioners as stipulated in the first section of this act, and to be taken in legal sub-divisions as aforesaid; and the official plat of the United States surveyor-general, when affirmed by the commissioner of the general land-office, to be the evidence of the locus of the said Mariposa Big Tree Grove.

"Mariposa Big Tree Grove" granted to California.

Conditions of grant.

APPROVED, June 30, 1864.

June 30, 1864.

CHAP. CLXXXV.—*An Act authorizing the Issue of Patents for Locations made with Certificates granted under Authority of the Act of Congress, approved March seventeenth, eighteen hundred and sixty-two, allowing Floats in Satisfaction of Lands sold by the United States within the Limits of the Las Ormezas and La Nana Grants in Louisiana.*

Patents may
issue for certain
locations.

1862, ch. 46.
Vol. xiii. p. 371.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the case of all locations made with certificates issued under the act of congress approved seventeenth March, eighteen hundred and sixty-two, "authorizing floats to issue in satisfaction of claims against the United States for lands sold by them within the Las Ormezas and La Nana grants, in the State of Louisiana," it shall and may be lawful for the commissioner of the general land-office to cause patents to issue for such locations, where the same may be found bona fide and satisfactory to the said commissioner.

APPROVED, June 30, 1864.

July 1, 1864.

CHAP. CLXXXIX.—*An Act to facilitate Trade on the Red River of the North.*

Places for load-
ing and unload-
ing cargoes on
the Red River of
the North to be
designated by
the President.

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 designate and establish such points or places upon the Red River of the North as to him shall seem expedient for lading and unlading the cargoes of vessels navigating the said river.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CXC.—*An Act to incorporate the "Metropolitan Railroad Company" in the District of Columbia.*

1865, ch. 119.
Post, p. 536.

Metropolitan
Railroad Com-
pany incorpo-
rated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Alexander R. Shepherd, Richard Wallach, Lewis Clephane, Samuel P. Brown, Nathaniel Wilson, Franklin Tenney, Matthew G. Emery, Samuel Fowler, John Little, J. C. McKelden, Sayles J. Bowen, John H. Semmes, D. C. Forney, William W. Rapley, William G. Moore, Thomas Lewis, John B. Keasbey, and Charles H. Nichols, and their associates and assigns, be, and they are hereby, created a body corporate, under the name of the "Metropolitan Railroad Company," with authority to construct and lay down a double-track railway, with the necessary switches and turnouts, in the city of Washington, in the District of Columbia, through and along the following avenues and streets: Commencing at the junction of A street north and New Jersey avenue, at the north side of the capitol; along the east side of New Jersey avenue to D street north; along D street north, and along C street north and Indiana avenue to the intersection of D street north with Indiana avenue; along Indiana avenue, D street north, and Louisiana avenue to Fifth street west; along Fifth street west to F street north; along F street north to Fourteenth street west; along Fourteenth street west to I street north; along I street north, across Pennsylvania avenue, to the junction of New Hampshire avenue, and Twenty-third street west; thence along New Hampshire avenue to the Circle. Also, a double or single track branch railway, commencing at the intersection of D street north and New Jersey avenue; along New Jersey avenue to Massachusetts avenue; along Massachusetts avenue to H street north; and along H street north to Seventeenth street west, intersecting the double-track road. Also, a double or single track road from the intersection of Fifteenth street west and I street north, connecting with the double-track road at Fifteenth street west; along I street north to New York avenue; along New York avenue to Ninth street west; and along Ninth street west to the Washington canal; with the privilege of extending the said branch road at any time along

Route of road.

Ninth street west to M street north, along M street north to Twelfth street west, and along Twelfth street west to the Washington canal and Maryland avenue to the Potomac River, with the right to run public carriages thereon drawn by horse power, receiving therefor a rate of fare not exceeding five cents a passenger, for any distance between the termini of either of the said main railway, or between the termini of either of said branch railways, or between either terminus of said main railway and the terminus of either of said branch railways: *Provided*, That the use and maintenance of the said road shall be subject to the municipal regulations of the city of Washington within its corporate limits.

Motive power.

Proviso.

SEC. 2. *And be it further enacted*, That said road[s] shall be deemed real estate, and they, together with other real property and personal property of said body corporate, shall be liable to taxation, as other real estate and personal property, and to license for their vehicles or cars in the cities aforesaid, except as hereinafter provided; and that all other corporations in the District of Columbia, heretofore organized for like purposes, shall be subject to pay license as provided in this section.

Roads to be real estate, and liable to taxation.

SEC. 3. *And be it further enacted*, That the said railway shall be laid in the centre of the avenues and streets (excepting New Jersey avenue, and there it shall be laid as hereinbefore provided for,) as near as may be, without interfering with or passing over the water or gas pipes, in the most approved manner adapted for street railways, with rails of the most approved patterns, to be determined by the Secretary of the Interior, laid upon an even surface with the pavement of the streets; and the space between the two tracks shall not be less than four feet, nor more than six feet; and the carriages shall not be less than six feet in width, the gauge to correspond with that of the Baltimore and Ohio railroad.

Track to be in centre of street.

SEC. 4. *And be it further enacted*, That the said corporation hereby created shall be bound to keep said tracks, and for the space of two feet beyond the outer rail thereof, and also the space between the tracks, at all times well paved and in good order, without expense to the United States or to the city of Washington.

Corporation to keep tracks and portion of street in repair.

SEC. 5. *And be it further enacted*, That nothing in this act shall prevent the government at any time, at their option, from altering the grade or otherwise improving all avenues and streets occupied by said roads, or the city of Washington from so altering or improving such streets and avenues, and the sewerage thereof, as may be under their respective authority and control; and in such event it shall be the duty of said company to change their said railroad so as to conform to such grade and pavement.

Grade of streets may be altered.

SEC. 6. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the congress of the United States.

Act may be altered, &c.

SEC. 7. *And be it further enacted*, That nothing in this act shall be so construed as to authorize said body corporate to issue any note, token, device, scrip, or other evidence of debt to be used as a currency.

Corporation not to issue note as currency.

SEC. 8. *And be it further enacted*, That the capital stock of said company shall be not less than two, nor more than five, hundred thousand dollars, and that the stock shall be divided into shares of fifty dollars each, and shall be deemed personal property transferable in such manner as the by-laws of said company may direct.

Capital stock.

Shares.

SEC. 9. *And be it further enacted*, That the said company shall place first-class cars on said railways, with all the modern improvements for the convenience and comfort of passengers, and shall run cars thereon during the day as often as every four minutes on the route from the capitol, via the Baltimore and Ohio railroad depot and departments, to the Circle; and on the other routes once in fifteen minutes each way, and until twelve o'clock at night as often as every half hour; and throughout day and night as much oftener as public convenience may require.

Cars.

SEC. 10. *And be it further enacted*, That said company shall procure

Passenger-rooms, offices, &c.

such passenger-rooms, ticket-offices, stables, and depots at such points as the business of the railroad and the convenience of the public may require. And the said company is hereby authorized to lay such rails through transverse or other streets as may be necessary for the exclusive purpose of connecting the said stables and depots with the main tracks. And the said company is hereby authorized to purchase or lease such lands or buildings as may be necessary for the passenger-rooms, ticket-offices, stables, and depots above mentioned.

Articles of value left in cars to be cared for.

SEC. 11. *And be it further enacted*, That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to their principal depot, and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

Books of subscription to be opened.

SEC. 12. *And be it further enacted*, That within five days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open, in some convenient and accessible place in the city of Washington, from nine o'clock in the forenoon till five o'clock in the afternoon, for a period to be fixed by said corporators, not less than two days, unless the whole stock shall be sooner subscribed for, and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened. And subscribers upon said

Subscribers to be stockholders.

books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of subscribing twenty-five per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided, further*, That nothing shall be received in payment of the twenty-five per centum at the time of subscribing except money: *Provided, further*, That no person shall be allowed to subscribe for more than fifteen thousand dollars. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter for the choice of directors, of which public notice shall be given for five days in two public newspapers published daily in the city of Washington, or by written personal notice to each stockholder by the clerk of the corporation. And in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

First meeting.

Directors.

SEC. 13. *And be it further enacted*, That the government and direction of the affairs of the company shall be vested in the board of directors, seven in number, who shall be stockholders, and who shall hold their office for one year, and till others are duly elected and qualified to take their places as directors. And the said directors (a majority of whom, the president being one, shall be a quorum) shall elect one of their number to be president of the board, who shall also be president of the company; and they shall also choose a treasurer, who shall give bonds with surety to said company, in such sum as the said directors may require, for the faithful discharge of his trust. In case of a vacancy in the board of directors by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

Quorum.

Treasurer.

Vacancies.

By-laws.

SEC. 14. *And be it further enacted*, That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter, or to the laws of the United States and the ordinances of

the city of Washington: *Provided*, That there shall be no regulation excluding any person from any car on account of color.

SEC. 15. *And be it further enacted*, That there shall be an annual meeting of the stockholders, for choice of directors, to be holden at such time and place, under such conditions, and upon such notice, as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders. Annual meeting.

SEC. 16. *And be it further enacted*, That the said company shall have at all times the free and uninterrupted use of the roadway. And if any person or persons shall wilfully and unnecessarily obstruct or impede the passage on or over said railway, or any part thereof, or shall injure or destroy the cars, depot stations, or any property belonging to said railway company, the person or persons so offending shall forfeit and pay for every such offence the sum of five dollars to said company, to be recovered and disposed of as other fines and penalties in said cities; and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act, as aforesaid; but no suit shall be brought unless commenced within sixty days after such offence shall have been committed. Company to have free use of roadway.
Penalty for obstructing cars.

SEC. 17. *And be it further enacted*, That unless said corporation shall make and complete their said railways between the capitol and Seventeenth street west within four months after the company shall have been organized, and the railways on the other routes herein described within one year after the company shall have been organized, then this act shall be null and void, and no rights whatsoever shall be acquired under it. Road to be completed within what time.
[Time extended. Post, p. 426.]

SEC. 18. *And be it further enacted*, That all acts and parts of acts heretofore passed which are inconsistent with any of the provisions of this act are, for the purposes of this act, hereby repealed, so far as the same are inconsistent herewith. Repealing clause.

SEC. 19. *And be it further enacted*, That each of the stockholders in the Metropolitan Railroad Company shall be individually liable for all the debts and liabilities of said company to an amount equal to the amount of stock held by such stockholder. Individual liability of stockholders.

SEC. 20. *And be it further enacted*, That the said railroad company shall keep in good repair and in clean condition the flagstones or crosswalks leading to, upon, and over their tracks at the crossings of the several streets which intersect their railroad, removing therefrom snow and ice, as well as mud, dirt, or other annoyance; and shall further, whenever necessary to render such crossings dry and convenient, raise or elevate the same sufficiently for that purpose; and shall adjust the adjoining pavement, so as to make it convenient for carriages to pass said crossings. Flagstones and cross walks to be kept clean.

SEC. 21. *And be it further enacted*, That for each and every violation of the foregoing provisions, the said company shall forfeit and pay a sum not less than five dollars, and not more than one hundred dollars, which may be recovered with costs of suit, on complaint of any person aggrieved, in any court of competent jurisdiction in the District of Columbia. Such action may be prosecuted in the name of the city of Washington, and one half of the penalties recovered shall be for the use of the city of Washington, and the other half for the use of the complainant: *Provided, however*, That any party complainant shall, before such action, file with the clerk of the supreme court of the District of Columbia, a bond to be approved by the clerk of the said court, with at least one surety, to be approved by said clerk, and in a penalty of one hundred dollars, conditioned that the complainant shall well and truly save harmless and indemnify the said city against the payment of all costs and charges which shall be recovered against said city by reason of the failure of the complainant to prosecute or maintain his said complaint. Penalty for not keeping crosswalks, &c., clean.
Proviso.

SEC. 22. *And be it further enacted*, That the said railroad company

- Annual report to congress. shall, by the fifteenth day of January, after the completion of said road, and annually on or before that day thereafter, transmit to congress a full report of the affairs, business, and condition of the said company for the year terminating December thirty-one preceding such report, and such report shall be signed and sworn to by the president and treasurer of the company, or by a majority of the directors, and shall specify the following items:—
- Contents of report.
- First. Capital stock fixed by charter.
- Second. Capital stock subscribed and actually paid in, in cash.
- Third. Dividends made to stockholders on the capital stock of the company, and when made.
- Fourth. Total capital stock at the termination of the previous year.
- Fifth. Funded debt of the company, and in what way secured.
- Sixth. Floating debt of the company.
- Seventh. Total indebtedness of company exclusive of capital.
- Cost of road;
- Cost of Road:
- Eighth. Total cost of rails, chains, spikes, and other iron used in construction.
- Ninth. Total cost of ties, stringers, and other wood or timber used in construction.
- Tenth. Cost of paving-stone, gravel, and other material used in construction, not above enumerated.
- Eleventh. Cost of labor in the construction of the road.
- Twelfth. Cost of engineering and salaries paid to officers and agents of the company, and discount or interest paid on loans.
- Thirteenth. Amount expended in repairs of road.
- of equipment.
- Cost of Equipment:
- Fourteenth. Number and cost of cars.
- Fifteenth. Number of horses or mules used in the service of the road, and cost.
- Sixteenth. Cost of harnesses and other appointments.
- Seventeenth. Cost of tools and fixtures, including furniture of offices.
- Eighteenth. Cost of real estate and improvements thereon by the company.
- Characteristics.
- Characteristics:
- Nineteenth. Total length of road, measured as single track, including switches and turnouts.
- Twentieth. Weight and character of rail.
- Twenty-first. Number of passengers carried during the year.
- Twenty-second. Average number of passengers per trip.
- Income.
- Income of Road:
- Twenty-third. Total receipts from passengers.
- Twenty-fourth. Total receipts from other sources, and what sources.
- Expenses of Operation and Maintenance of Road:
- Twenty-fifth. Amount of salaries paid to officers of the company.
- Twenty-sixth. Amount paid to employees, with the number each of clerks, conductors, drivers, station-keepers, and laborers.
- Twenty-seventh. Amount paid for taxes of all kinds, and insurance.
- Twenty-eighth. Amount paid for reconstruction of, and repairs to, track, turnouts, and other structures.
- Miscellaneous.
- Miscellaneous:
- Twenty-ninth. Amount of dividends paid during the preceding year, in cash, and dividends in stock to stockholders, and per centage of each.
- Thirtieth. Increase of capital stock, if any, during the year.
- Thirty-first. Number of persons killed, or seriously injured, on the road during the previous year, and the causes thereof.
- SEC. 23. *And be it further enacted*, That it shall be the duty of said company, when said road is completed, to have prepared tickets for pass-

age on their cars, and to keep them at their office for sale by the package of twenty-five, or over, at the rate of twenty-five for the dollar. Package tickets.

APPROVED, July 1, 1864.

CHAP. CXCI. — *An Act to incorporate the Potomac Ferry Company.*

July 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Henry D. Cooke, John B. Hutchinson, H. C. Fahnestock, Thomas Clyde, and William B. Hatch, and their associates and successors, or a majority of them, are hereby created and constituted a body politic and corporate by the name and style of the Potomac Ferry Company. Potomac ferry company incorporated.

SEC. 2. *And be it further enacted,* That the capital stock of said company shall not be less than one hundred thousand dollars, nor more than five hundred thousand dollars, to be divided into shares of one hundred dollars each. Capital stock and shares.

SEC. 3. *And be it further enacted,* That said company is authorized and empowered to establish and run a line or lines of vessels, propelled by steam or other power, between the cities of Alexandria and Washington, and other ports in the State of Virginia, on the Potomac River, Chesapeake Bay, or the tributaries of the same. Line of vessels between Washington and Alexandria.

SEC. 4. *And be it further enacted,* That said company is also authorized to purchase, hold, and grant such real estate as may be necessary to carry into effect the purposes of this act, and to build all necessary docks, wharves, and buildings thereon for their own use; may transport passengers and freight of every description, subject to the rules and regulations and laws of the United States; may sue and be sued; may have a common seal, and generally may have and possess the rights and privileges usually possessed by similar corporations. Powers and privileges.

SEC. 5. *And be it further enacted,* That the affairs of said company shall be managed by such officers as the stockholders in general meeting shall elect, and such agents as may be appointed by the board of directors. The persons named in the first section of this act, or a majority of them, may call a meeting of the stockholders for the purpose of organizing said company, at such time and place as they may determine upon, after advertising the time and place of such meeting for ten days, in one or more newspapers published in the city of Washington. The officers of said company once elected shall hold their offices until their successors are chosen. Directors and officers.

SEC. 6. *And be it further enacted,* That the said board of directors may make all necessary rules and by-laws for the transfer of the stock and the general management of the business of said company; and each stockholder in said company shall be individually liable for all claims against the same at the time such claims accrue. First meeting.

SEC. 7. *And be it further enacted,* That this act shall be enforced from the passage thereof. By-laws.

SEC. 8. *And be it further enacted,* That congress may at any time hereafter alter, amend, or repeal this act. Act, when to be in force.

APPROVED, July 1, 1864.

CHAP. CXCII. — *An Act authorizing the Levy Court of Washington County, in the District of Columbia, to levy and collect its Portion of the Direct Tax imposed by the Act of Congress of August five, eighteen hundred and sixty-one.* July 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the levy court of Washington County, in the District of Columbia, is hereby authorized and empowered to levy and collect, in the same manner as other county taxes in said county of Washington are levied and collected, a sum sufficient to Levy court may levy and collect the direct tax.

1861, ch. 45.
Vol. xii. p. 292.

pay the county's proportion of the direct tax imposed on the District of Columbia by the act of congress approved August five, eighteen hundred and sixty-one, and the expense and cost of collecting the same, and that the aggregate of said direct tax imposed by the act aforesaid shall be distributed and apportioned between the cities of Washington and Georgetown, and that part of said county of Washington lying outside the limits of said cities, according to the assessed valuation of property made in the jurisdiction of each by the assessment last prior to the date of the passage of said act of August five, eighteen hundred and sixty-one.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CXCIII. — *An Act to authorize the Corporation of Washington to levy and collect the Direct Tax imposed by Act approved August five, 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 corporation of the city of Washington be, and they are hereby, authorized to assess and collect a tax not exceeding the rate of fifteen cents on every one hundred dollars of the value of all real and personal property in said city, and on any and all other subjects of taxation as made and returned by the board of assessors of said city, to enable the said corporation to pay to the government of the United States the tax imposed by act approved August five, eighteen hundred and sixty-one: *Provided,* That any surplus that may accrue from the imposition of the tax as herein provided shall be deposited and applied to the use of the general fund of the said city of Washington.

APPROVED, July 1, 1864.

City of Washington may assess, &c., a tax to pay the direct tax.

1861, ch. 45.
Vol. xii. p. 292.
Proviso.

July 1, 1864.

CHAP. CXCIV. — *An Act to expedite the Settlement of Titles to Lands in the State of California.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the surveyor-general of California shall, in compliance with the thirteenth section of an act entitled "An act to ascertain and settle the private land claims in the State of California," approved March third, eighteen hundred and fifty-one, have caused any private land claim to be surveyed and a plat to be made thereof, he shall give notice that the same has been done by a publication, once a week for four consecutive weeks, in two newspapers, one published in the city of San Francisco, and one published near the land surveyed; and shall retain in his office, for public inspection, the survey and plat until ninety days from the date of the first publication in San Francisco shall have expired; and if no objections are made to said survey, he shall approve the same, and transmit a copy of the survey and plat thereof to the commissioner of the general land-office at Washington, for his examination and approval; but if objections are made to said survey within the said ninety days, by any party claiming to have an interest in the tract embraced by the survey, or in any part thereof, such objections shall be reduced to writing, stating distinctly the interest of the objector, and signed by him or his attorney, and filed with the surveyor-general, together with such affidavits or other proofs as he may produce in support of the objections. At the expiration of said ninety days the surveyor-general shall transmit to the commissioner of the general land-office at Washington a copy of the survey and plat, and objections, and proofs filed with him in support of the objections, and also of any proofs produced by the claimant and filed with him in support of the survey, together with his opinion thereon; and if the survey and plat are approved by the said commissioner he shall indorse thereon a certificate of his approval. If disapproved by him, or if, in his opinion, the ends of justice would be subserved thereby, he may require a further report from the

When plats are made of private land claims in California, notice to be given, and surveys, &c., to be open to inspection.

1851, ch. 41.
Vol. ix. p. 633.

Copies to be sent to Washington.

Approval or disapproval of commissioner of general land-office.

surveyor-general of California, touching the matters indicated by him, or proofs to be taken thereon, or may direct a new survey and plat to be made. Whenever the objections are disposed of, or the survey and plat are corrected, or a new survey and plat are made in conformity with his directions, he shall indorse upon the survey and plat adopted his certificate of approval. After the survey and plat have been, as hereinbefore provided, approved by the commissioner of the general land-office, it shall be the duty of the said commissioner to cause a patent to issue to the claimant as soon as practicable after such approval.

Patents when to issue.

SEC. 2. *And be it further enacted,* That the provisions of the preceding section shall apply to all surveys and plats by the surveyor-general of California heretofore made, which have not already been approved by one of the district courts of the United States for California, or by the commissioner of the general land-office: *Provided,* That where proceedings for the correction or confirmation of a survey are pending on the passage of this act in one of the said district courts, it shall be lawful for such district court to proceed and complete its examination and determination of the matter, and its decree thereon shall be subject to appeal to the circuit court of the United States for the district in like manner, and with like effect, as hereafter provided for appeals in other cases to the circuit court; and such appeals may be in like manner disposed of by said circuit court.

These provisions applicable to all surveys not approved.

Proviso.

SEC. 3. *And be it further enacted,* That where a plat and survey have already been approved or corrected by one of the district courts of the United States for California, and an appeal from the decree of approval or correction has already been taken to the supreme court of the United States, the said supreme court shall have jurisdiction to hear and determine the appeal. But where from such decree of approval or correction no appeal has been taken to the supreme court, no appeal to that court shall be allowed, but an appeal may be taken, within twelve months after this act shall take effect, to the circuit court of the United States for California, and said circuit court shall proceed to fully determine the matter. The said circuit court shall have power to affirm or reverse or modify the action of the district court, or order the case back to the surveyor-general for a new survey. When the case is ordered back for a new survey, the subsequent survey of the surveyor-general shall be under the supervision of the commissioner of the general land-office, and not of the district or circuit court of the United States.

Appeals from decree of approval of survey and plat to be heard in supreme court.

When appeal may be taken.

New surveys.

SEC. 4. *And be it further enacted,* That whenever the district judge of any one of the district courts of the United States for California is interested in any land, the claim to which, under the said act of March third, eighteen hundred and fifty-one, is pending before him, on appeal from the board of commissioners created by said act, the said district court shall order the case to be transferred to the circuit court of the United States for California, which court shall thereupon take jurisdiction and determine the same. The said district courts may also order a transfer to the said circuit court of any other cases arising under said act, pending before them, affecting the title to lands within the corporate limits of any city or town, and in such cases both the district and circuit judges may sit.

If judge of district court is interested, case to be transferred to circuit court.

Other cases may be transferred.

SEC. 5. *And be it further enacted,* That all the right and title of the United States to the lands within the corporate limits of the city of San Francisco, as defined in the act incorporating said city, passed by the legislature of the State of California, on the fifteenth of April, one thousand eight hundred and fifty-one, are hereby relinquished and granted to the said city and its successors, for the uses and purposes specified in the ordinances of said city, ratified by an act of the legislature of the said state, approved on the eleventh of March, eighteen hundred and fifty-eight, entitled "An act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city," there

Rights of the United States to lands in San Francisco relinquished.

Certain lands devoted to public uses excepted.

being excepted from this relinquishment and grant all sites or other parcels of lands which have been, or now are, occupied by the United States for military, naval, or other public uses, or such other sites or parcels as may hereafter be designated by the President of the United States, within one year after the rendition to the general land-office, by the surveyor-general, of an approved plat of the exterior limits of San Francisco, as recognized in this section, in connection with the lines of the public surveys: *And provided*, That the relinquishment and grant by this act shall in no manner interfere with or prejudice any bona fide claims of others, whether asserted adversely under rights derived from Spain, Mexico, or the laws of the United States, nor preclude a judicial examination and adjustment thereof.

Relinquishment not to affect private rights.

Confirmed private land claims to be surveyed. Proviso.

SEC. 6. *And be it further enacted*, That it shall be the duty of the surveyor-general of California to cause all the private land claims finally confirmed to be accurately surveyed and plats thereof to be made, whenever requested by the claimants: *Provided*, That each claimant requesting a survey and plat shall first deposit in the district court of the district within which the land is situated a sufficient sum of money to pay the expenses of such survey and plat, and of the publication required by the first section of this act. Whenever the survey and plat requested shall have been completed and forwarded to the commissioner of the general land-office, as required by this act, the district court may direct the application of the money deposited, or so much thereof as may be necessary, to the payment of the expenses of said survey and publication.

Surveys to follow decree.

SEC. 7. *And be it further enacted*, That it shall be the duty of the surveyor-general of California, in making surveys of the private land claims finally confirmed, to follow the decree of confirmation as closely as practicable whenever such decree designates the specific boundaries of the claim. But when such decree designates only the out-boundaries within which the quantity confirmed is to be taken, the location of such quantity shall be made, as near as practicable, in one tract and in a compact form. And if the character of the land, or intervening grants, be such as to render the location impracticable in one tract, then each separate location shall be made, as near as practicable, in a compact form. And it shall be the duty of the commissioner of the general land-office to require a substantial compliance with the directions of this section before approving any survey and plat forwarded to him.

Separate locations.

Repeal of act of 1860, ch. 128, Vol. xii. p. 33.

SEC. 8. *And be it further enacted*, That the act entitled "An act to amend an act entitled 'An act to define and regulate the jurisdiction of the district courts of the United States in California, in regard to the survey and location of confirmed private land claims,'" approved June fourteen, eighteen hundred and sixty, and all provisions of law inconsistent with this act, are hereby repealed.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CXCIV. — *An Act for the Sale of a Lot of Land in Iowa, in the Fort Crawford Reservation.*

A lot of land in Iowa to be sold.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall and may be lawful for the commissioner of the general land-office to cause to be sold, after public notice, the tract described as lot numbered one, in township ninety-five north, of range three west of the fifth principal meridian, in the State of Iowa, situated in what is known as the Fort Crawford military reservation, subject to such minimum price per acre as the said commissioner may establish as fair and reasonable, not less than two dollars and fifty cents per acre; and in the event of said lot not being disposed of at public sale, the commissioner is hereby authorized to reoffer the same at public sale, or after the second offering to dispose of said lot at such minimum as

he may establish, and for the sale so made a patent shall issue as in ordinary cases.

SEC. 2. *And be it further enacted,* That if it shall appear that there are any other lots in said reserve not disposed of by the United States, it shall and may be lawful for the said commissioner to dispose of the same in the manner provided in the foregoing section. Other lots may be sold.

APPROVED, July 1, 1864.

CHAP. CXCVI. — *An Act to regulate the Compensation of Registers and Receivers of the Land Offices in the several States and Territories, in the Location of Lands by States and Corporations under Grants from Congress.* July 1, 1864.

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, in the location of lands by states and corporations under grants from congress for railroads and other purposes, (except for agricultural colleges,) the registers and receivers of the land-offices of the several states and territories, in the districts where such lands may be located, for their services therein, shall be entitled to receive a fee of one dollar for each final location of one hundred and sixty acres, to be paid by the state or corporation making such location, the same to be accounted for in the same manner as fees and commissions on warrants and preëmption locations, with limitations as to maximums of salary prescribed by existing laws, in accordance with such instructions as shall be given by the commissioner of the general land-office. Fees of registers and receivers of land-offices.

SEC. 2. *And be it further enacted,* That the Burlington and Missouri River railroad company may so far change or modify the location of the uncompleted portion of its line, as shown by the map thereof now on file in the general land-office of the United States, so as to secure a better and more expeditious route to the terminus of said line on the Missouri River, said new line to be located within the limits of the land grant made by the United States to aid in its construction; and said change shall not impair the right to, nor change the location of, their present land grant. A map of the change shall be filed with the commissioner of the general land-office within one year after the passage of this act. Burlington and Missouri River R. R. may change its location. Post, pp. 523, 573.

APPROVED, July 1, 1864.

CHAP. CXCVII. — *An Act to establish Salaries for Postmasters, and for other Purposes.* July 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the annual compensation of postmasters shall be at a fixed salary, in lieu of commissions, to be divided into five classes, exclusive of the postmaster of the city of New York. Postmasters of the first class shall receive not more than four thousand dollars, nor less than three thousand dollars; postmasters of the second class shall receive less than three thousand dollars and not less than two thousand dollars; postmasters of the third class shall receive less than two thousand dollars and not less than one thousand dollars; postmasters of the fourth class shall receive less than one thousand dollars and not less than one hundred dollars; postmasters of the fifth class shall receive less than one hundred dollars. The compensation of the postmaster of New York shall be six thousand dollars per annum, to take effect on the first day of July, eighteen hundred and sixty-four; and the compensation of postmasters of the several classes aforesaid shall be established by the Postmaster-General under the rules hereinafter provided. Whenever the compensation of postmasters of the several offices, (except the office of New York,) for the two consecutive years next preceding the first day of July, eighteen hundred and sixty-four, shall have amounted to an average annual sum not less than three thousand dollars, such offices Postmasters to be paid salaries. Five classes, &c. Salary of those of 1st class; of 2d class; of 3d class; of 4th class; of 5th class. Postmaster of New York. What offices to be rated as 1st class.

What offices to be rated as 2d class;
 3d class;
 4th class;
 5th class.
 Salaries of several classes.

shall be assigned to the first class; whenever it shall have amounted to less than three thousand dollars, but not less than two thousand dollars, such offices shall be assigned to the second class; whenever it shall have amounted to less than two thousand dollars, but not less than one thousand dollars, such offices shall be assigned to the third class; whenever it shall have amounted to less than one thousand dollars, but not less than one hundred dollars, such offices shall be assigned to the fourth class; and whenever it shall have amounted to less than one hundred dollars, such offices shall be assigned to the fifth class. To offices of the first, second, and third classes shall be severally assigned salaries, in even hundreds of dollars, as nearly as practicable in amount the same as, but not exceeding, the average compensation of the postmasters thereof for the two years next preceding; and to offices of the fourth class shall be assigned severally salaries, in even tens of dollars, as nearly as practicable in amount the same as, but not exceeding; such average compensation for the two years next preceding; and to offices of the fifth class shall be severally assigned salaries, in even dollars, as nearly as practicable in amount the same as, but not exceeding, such average compensation for the two years next preceding. Wherever returns showing the average of annual compensation of postmasters for the two years next preceding the first day of July, eighteen hundred and sixty-four, shall not have been received at the Post-Office Department at the time of adjustment, the same may be estimated by the Postmaster-General for the purpose of adjusting the salaries of postmasters herein provided for. And it shall be the duty of the auditor of the treasury for the Post-Office Department, to obtain from postmasters their quarterly accounts with the vouchers necessary to a correct adjustment thereof, and to report to the Postmaster-General all failures of postmasters to render such returns within a proper period after the close of each quarter.

Estimates of certain offices.

Salaries to be readjusted every two years.

SEC. 2. *And be it further enacted*, That the Postmaster-General shall review once in two years, and in special cases, upon satisfactory representation, as much oftener as he may deem expedient, and readjust, on the basis of the preceding section, the salary assigned by him to any office; but any change made in such salary shall not take effect until the first day of the quarter next following such order, and all orders made assigning or changing salaries shall be made in writing and recorded in his journal, and notified to the auditor for the Post-Office Department.

Salaries, when to take effect.

SEC. 3. *And be it further enacted*, That salaries of the first, second, and third classes shall be adjusted to take effect on the first day of July, eighteen hundred and sixty-four, and of the fourth and fifth classes at the same time, or at the commencement of a quarter as early as practicable thereafter.

Salaries at offices not established for two years.

SEC. 4. *And be it further enacted*, That, at offices which have not been established for two years prior to the first day of July, eighteen hundred and sixty-four, the salary may be adjusted upon a satisfactory return by the postmaster of the receipts, expenditures, and business of his office: *Provided*, That fifty per centum of the gross revenue of such office shall be, in all cases, the largest amount allowed to such postmasters for their salaries, respectively, except in cases where it shall be a separating or distributing office, as provided for in the sixth section of this act.

Proviso.

Allowance for office-rent, clerks, &c.

SEC. 5. *And be it further enacted*, That at the post-office of New York and offices of the first and second classes, the Postmaster-General shall allow to the postmaster a just and reasonable sum for the necessary cost, in whole or in part, of rent, fuel, lights, and clerks, to be adjusted upon a satisfactory exhibit of the facts. And at offices of the third, fourth, and fifth classes, such expenses shall be paid by the postmaster, except as in the sixth section provided; it being intended that such allowances shall be made in accordance with existing usages.

1865, ch. 89, § 3.
 Post, p. 505.

SEC. 6. *And be it further enacted*, That the Postmaster-General may

designate certain convenient offices, at the intersection of mail routes, as distributing offices, and certain others as separating offices; and where any such office is of the third, fourth, or fifth class of post-offices, he may make a reasonable allowance to such postmaster for the necessary cost, in whole or in part, of clerical services arising from such duties.

SEC. 7. *And be it further enacted*, That all postages and box-rents at post-offices, and all other receipts and emoluments at a post-office, shall be received and accounted for as a part of the postal revenues; and any part thereof which the postmaster ought to have collected, but has neglected to collect, shall be charged against him in his account, and he shall be liable therefor in the same manner as if the same had been collected; and he shall receive no fees or perquisites beyond his salary.

SEC. 8. *And be it further enacted*, That the uniform rate of United States postage, without reference to distance, upon letters and other mailable matter addressed to, or received from, foreign countries, when forwarded from, or received in, the United States by steamships or other vessels regularly employed in the transportation of the mails, shall be as follows, viz: ten cents per single rate of half an ounce or under, on letters; two cents each on newspapers; and the established domestic rates on pamphlets, periodicals, and other articles of printed matter; which postage shall be prepaid on matter sent, and collected on matter received: *Provided, always*, That these rates shall not apply to letters or other mailable matter, addressed to, or received from, any foreign place or country, to and from which different rates of postage have been, or shall be, established by international postal convention or arrangement already concluded or hereafter to be made.

SEC. 9. *And be it further enacted*, That the Postmaster-General is authorized to sell, or cause to be sold, to individuals, corporations, and business firms, postage-stamps, in quantities of not less than one hundred dollars in value, at a discount not exceeding five per centum from the face value of such stamps, and to sell, or cause to be sold, stamped envelopes, in packages containing not less than five hundred envelopes, at a discount not exceeding five per centum from the current prices thereof when sold in less quantities.

SEC. 10. *And be it further enacted*, That the twenty-eighth section of the act entitled "An act to amend the laws relating to the Post-Office Department," approved March three, eighteen hundred and sixty-three, be, and the same is hereby, amended by the addition of the following clause, namely: And when any letter bearing a request for its return to the writer, in case of its non-delivery, shall have been so returned to the office at which it was originally mailed, then, and in that case, it shall be obligatory upon the person to whom such letter has been returned, to receive the same, and to pay therefor the postage specified by this section; and in default of said writer to receive and pay for the letter so returned, he shall be subject to a penalty of ten dollars, to be recovered in any court of competent jurisdiction.

SEC. 11. *And be it further enacted*, That if any person, not authorized by the Postmaster-General, shall set up or profess to keep any office, or any place of business bearing the sign, name, or title of post-office, every such person shall forfeit and pay the sum of five hundred dollars for every such offence.

SEC. 12. *And be it further enacted*, That if any person employed in any of the departments of the post-office establishment shall unlawfully detain, delay, or open, any letter, packet, bag, or mail of letters, with which he shall be intrusted, or which shall have come to his possession, and which are intended to be conveyed by post, or to be carried or delivered by any mail-carrier, mail-messenger, letter-carrier, route-agent, or other person employed in any of the departments of the post-office establishment of the United States, or to be forwarded or delivered

Penalty for secreting or destroying letters not containing valuables;

containing¹ valuables;

for taking valuables out of letters, &c.;

upon mail-carrier for deserting mails.

through or from any post-office or branch-post office established by authority of the Postmaster-General of the United States; [or] if any such person shall secrete, embezzle, or destroy, any letter or packet intrusted to such person as aforesaid, and which shall not contain any security for, or assurance relating to, money, as hereinafter described, every such offender, being thereof duly convicted, shall, for every such offence, be fined not less than three hundred dollars, or imprisoned not less than six months, or both, according to the circumstances and aggravations of the offence. And if any person employed as aforesaid shall secrete, embezzle, or destroy any letter, packet, bag, or mail of letters, with which he or she shall be intrusted, or which shall have come to his or her possession, and are intended to be conveyed by post, or to be carried or delivered by any mail-carrier, mail-messenger, letter-carrier, route-agent, or other person employed in any of the departments of the post-office establishment of the United States, or to be forwarded or delivered through or from any post-office or branch post-office established by authority of the Postmaster-General of the United States, such letter, packet, bag, or mail of letters, containing any note, bond, draft, check, revenue stamp, postage-stamp, money order, certificate of stock, or other pecuniary obligation, or government security of any description whatever, issued, or that may hereafter be issued, by the United States, or by any officer or fiscal agent thereof, any bank note or bank post bill, bill of exchange, warrant of the treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to, payment of moneys, or any bond, or warrant, draft, bill, or promissory note, covenant, contract, or agreement, whatsoever, for, or relating to, the payment of money, or the delivery of any article of value, or the performance of any act, matter, or thing, or any receipt, release, acquittance, or discharge of, or from, any debt, covenant, or demand, or any part thereof, or any copy of any record of any judgment, or decree, in any court of law, or chancery, or any execution which may have issued thereon, or any copy of any other record, or any other article of value, or any writing representing the same; or if any such person, employed as aforesaid, shall steal, or take, any of the same out of any letter, packet, bag, or mail of letters, that shall come to his or her possession, whether such letter or packet, bag, or mail of letters, shall have come or been placed in his or her possession to be forwarded or delivered in the regular course of his or her official duties, or shall have come or been placed in his or her possession in any other manner, and provided that such letter or packet, bag or mail of letters, shall not have been delivered to the person or persons to whom it is directed, such person shall, on conviction for any such offence, be imprisoned not less than ten years, nor exceeding twenty-one years; and the fact that any such letter or packet, bag or mail of letters, shall have been deposited in any post-office or branch post-office established by authority of the Postmaster-General of the United States, or in any other authorized depository of mail letters, or in charge of any postmaster, assistant postmaster, clerk, carrier, agent, or messenger employed in the post-office establishment of the United States, shall be taken and held as evidence that the same was "intended to be conveyed by post" within the meaning of this statute; and if any person who shall have taken charge of the mails of the United States shall voluntarily quit or desert the same before such person delivers it into the post-office kept at the termination of the route, or some known mail-carrier, or agent of the general post-office, authorized to receive the same, every such person, so offending, shall forfeit and pay a sum not exceeding five hundred dollars, for every such offence; and if any person concerned in carrying the mail of the United States shall collect, receive, or carry any letter, or packet, or shall

cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars. — Section twenty-one, Act of March three, eighteen hundred and twenty-five. 1825, ch. 64, § 21,
Vol. iv. p. 107.

SEC. 13. *And be it further enacted*, That dead letters containing valuable enclosures shall be registered in the department; and when it appears that they can neither be delivered to their address nor to the writers, the contents thereof, so far as available, shall be used to promote the efficiency of the dead-letter office, according to the provisions of the seventh section of act approved February twenty-seventh, eighteen hundred and sixty-one, entitled "An act to establish certain post routes;" and the amount thereof shall be shown in the annual report, and shall be subject to reclamation by either the party addressed or by the sender for four years from registry thereof, careful account being kept of the same. All other letters deemed of value or of importance to the party addressed, or to the writer, and which it appears cannot be returned to either destination, shall be disposed of as the Postmaster-General shall direct. Dead letters
with valuable
enclosures, &c.

1861, ch. 57, § 7.
Vol. xii. p. 168.

SEC. 14. *And be it further enacted*, That letter-carriers shall be employed at such post-offices as the Postmaster-General shall direct for the delivery of letters in the places respectively where such post-offices are established; and for their services they shall severally receive a salary to be prescribed by the Postmaster-General, not exceeding eight hundred dollars per year: *Provided*, That, on satisfactory evidence of their diligence, fidelity, and experience as carriers, the Postmaster-General may increase their respective salaries from time to time, to any sum not exceeding one thousand dollars; and each of the said carriers shall give bond, with sureties, to be approved by the Postmaster-General, for the safe custody and delivery of all letters, packets, and moneys received by him. Letter-carriers.

Salaries.

SEC. 15. *And be it further enacted*, That all expenses for the letter carriers, branch-offices, and receiving-boxes, or incident thereto, shall be entered and reported in a separate account from the ordinary postal expenses of such post-office, and shall be shown in comparison with the proceeds of the postages on local mail matter at each office, in order that the Postmaster-General may be guided in the expenditures for that branch of the postal service by income derived therefrom. Expenses of
letter-carriers,
branch-offices,
&c., to be entered
in separate account.

SEC. 16. *And be it further enacted*, That the eighth, eleventh, fourteenth, seventeenth, and eighteenth sections of the act entitled "An act to amend the laws relating to the Post Office-Department," approved March three, eighteen hundred and sixty-three, the provisions of which have been modified and incorporated in this act, be, and the same are hereby, repealed. Repeal of act of
1863, ch. 71, §§ 8,
11, 14, 17, 18.
Vol. xii. p. 701.
See ch. 241.
Post, p. 382.

SEC. 17. *And be it further enacted*, That the special agent of the Post-Office Department in the Pacific states and territories shall receive as compensation five dollars per diem. Pay of special
agent in Pacific
States, &c.
Post, p. 505.

APPROVED, July 1, 1864.

CHAP. CXCVIII. — *An Act making an additional Grant of Lands to the State of Kansas to aid in the Construction of Railroad and Telegraph Lines.* July 1, 1864.

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, granted to the State of Kansas, to aid in the construction of a railroad and telegraph line from Emporia, via Council Grove, to a point near Fort Riley, on the branch Union Pacific Railroad, in said state, every alternate section of land designated by odd numbers for ten sections in width on each side of said road: *Provided*, That this grant shall be subject to all the provisions, restrictions, limitations, and conditions, in regard to selection and location of lands and otherwise, of an act of congress approved March three, eighteen hundred and sixty-three, entitled "An Lands granted
to Kansas for rail-
roads and tele-
graphs.

Grant subject
to conditions.

1863, ch. 98.
Vol. xii. p. 772.

Railroad to be a public highway.

act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said state": *Provided*, That said railroad shall be a public highway and shall transport troops and munitions of war of the United States free of charge.

Route of a certain railroad and telegraph changed.

SEC. 2. *And be it further enacted*, That the branch railroad and telegraph from "Lawrence, by the valley of the Wakarusa River, to a point on the Atchison, Topeka, and Santa Fee railroad, where said road intersects the Neosho River," to aid in the construction of which a grant of lands was made by the said act of third of March, eighteen hundred and sixty-three, shall be so changed as to run from Lawrence to Emporia, and have and receive the grant of lands made by said act: *Provided*, That the line of railroad and telegraph from Leavenworth, by way of Lawrence and the Ohio City crossing of the Osage River, to the southern line of the state in the direction of Galveston Bay, shall run via Baldwin city.

Proviso.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CXCIX. — *An Act to encourage and facilitate Telegraphic Communication between the Eastern and Western Continents.*

Preamble.

WHEREAS the governments of Russia and Great Britain have granted to Perry MacDonough Collins, a citizen of the United States, the right to construct and maintain a line of electric telegraph through their respective territories, from the mouth of the Amoor River, in Asiatic Russia, by way of Behring's strait and along the Pacific coast to the northern boundary of the United States, with a view of thereby uniting the telegraphic systems of both continents, and of promoting international and commercial intercourse; and whereas, the government of Russia, in furtherance of that object, is now constructing a line of telegraph through its Asiatic territory to unite at the mouth of the Amoor River with the line projected by said Collins; and whereas the government of the United States desires cordially to coöperate with Russia and Great Britain in the establishment and maintenance of such a line of communication; now, therefore —

Perry MacD. Collins and associates may construct lines of telegraph to boundaries of British America. 1860, ch. 137. Vol. xii. p. 41.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Perry MacDonough Collins, of California, his associates and assignees, shall have the right to construct and maintain a line or lines of telegraph from any point or points on the line of the Pacific telegraph, constructed in pursuance of the act of congress, approved June sixteen, eighteen hundred and sixty, northerly, through any of the territories of the United States, to the boundaries of British America, with such branch lines as may be needed to open communication with the various mining districts and other settlements in said territories. And for the purposes aforesaid, the said Collins, his associates and assignees, shall have a permanent right of way over any unappropriated public lands of the United States, together with the right to take any timber and stone for construction purposes; and for the purpose of establishing and maintaining said lines and the stations necessary for the repair and working thereof, there is hereby granted to said parties the use of so much unappropriated public lands not sold, granted, reserved, preëmpted, nor occupied by homestead settlers, as may be necessary for stations, not exceeding forty acres for each fifteen miles of line constructed across the public lands of the United States, so long as the same may be used for said purpose: *Provided, however*, that so much of section one of this act as authorizes the construction of telegraph lines to open communications with the various mining districts and other settlements in said territories, shall be null and void, unless said branch-lines shall be completed within five years from the approval hereof.

Right of way over public lands.

Grant of lands for stations.

Proviso.

SEC. 2. *And be it further enacted,* That in order to encourage and aid the construction of said line of telegraph beyond the limits of the United States, the Secretary of the Navy is authorized to detail for the use of the surveys and soundings along that portion of the Pacific coast both of America and Asia, where it is proposed to establish said telegraph, one steam or sailing vessel, in his discretion, to assist in surveys and soundings, laying down submerged cable, and in transporting materials connected therewith, and generally afford such assistance as may be deemed best calculated to secure a successful promotion of the enterprise.

Secretary of Navy may detail vessel to aid in laying telegraph.

SEC. 3. *And be it further enacted,* That the government of the United States shall, at all times, have priority in the use of the line or lines, so far as the same are within its territory, and shall have the right, when authorized by law, to connect said line or lines by telegraph with any military posts of the United States, and to use the same for government purposes. And in order to secure the same from injury by savages or other evil-disposed persons, to the interruption of the public business, the Secretary of War is authorized to direct the commanders of the military districts or stations, and other officers, acting under authority of the United States in the territories traversed by said telegraph, to use any available force at their command to protect the same. Subject to the right of prior use by the government, as aforesaid, said line or lines shall be at all times open to the public and to any other telegraph company upon the payment of the regular charges for transmission of despatches, and all despatches received shall be transmitted over said line and lines in the order of their reception at the telegraphic office; and the answers to said despatches shall be delivered to such parties as may be directed by the sender.

Government to have priority in use of lines.

Security from injury by savages.

Lines to be open to public.

SEC. 4. *And be it further enacted,* That the better to accomplish the object of this act, namely, to promote the public interest and welfare, by facilitating international and commercial intercourse between the eastern and western continents in the construction of said telegraph, and keeping the same in working order, and to secure to the government at all times, but particularly in time of war, the use and benefits of the same for diplomatic, naval, military, postal, commercial, and other purposes, congress may, at any time, add to, alter, amend, or repeal this act.

Act may be altered, &c.

SEC. 5. *And be it further enacted,* That the rate of charges for public or private messages shall not exceed on said line the average usual rates in Europe and America for the same service, or such rates as shall be ascertained and fixed by a convention between the United States, Russia, and Great Britain: *Provided,* That it shall not be lawful for the owners or officers of said telegraph line to make any contract, either directly or through any intervening party or parties, for the transmission of despatches for any newspaper or newspaper association, upon terms different from those open to the enjoyment of all other newspapers or newspaper associations.

Rate of charges for messages.

Despatches for newspapers, &c., to be same for all.

APPROVED, July 1, 1864.

CHAP. CC. — *An Act repealing so much of "An Act to supply Deficiencies in the Appropriations for the Service of the Fiscal Year ending the thirtieth of June, eighteen hundred and sixty-four, and for other Purposes," approved March fourteen, eighteen hundred and sixty-four, as appropriates twenty-five thousand Dollars for erecting a Naval Hospital at Kittery, Maine.*

July 1, 1864.

1864, ch. 30.
Ante, p. 26.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and sixty-four, and for other purposes," approved, March fourteen, eighteen hundred and sixty-four, as appropriates "for erecting naval hospital at Kittery, Maine, twenty-five thousand dollars," be, and the same is hereby, repealed.

Repeal of authority to erect a naval hospital at Kittery, Me.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CCI. — *An Act to provide for the Efficiency of the Navy.*

Persons in military service, how transferred to naval service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person enlisted in the military service of the United States, who shall apply to the Navy Department to be transferred to the navy or marine corps shall, if his application be approved by the President of the United States, be transferred to the navy or marine corps to serve the residue of his term of enlistment therein, subject to the laws and regulations for the government of the navy: *Provided,* That such transfer shall not release the transferred person from any indebtedness to the government, nor, without the consent of the President of the United States, from any penalty incurred for a breach of military law.

Proviso.

Seamen, &c., drafted into military service may be transferred to naval service.

SEC. 2. *And be it further enacted,* That any seaman or mariner, or person who may have served as such, drafted into the military service, may, by order of the President of the United States, be transferred to the naval service, to serve therein, subject to the laws and regulations for the government of the navy, for the term, or residue of the term, for which he was drafted.

Enlistments into navy or marine corps, how credited.

SEC. 3. *And be it further enacted,* That all enlistments into the naval service or marine corps during the present war shall be credited to the appropriate township, precinct, or district, in the same manner as enlistments for the army.

Persons enlisting into navy or marine corps to receive same bounty as if enlisting in army. Repeal of resolution.

SEC. 4. *And be it further enacted,* That persons hereafter enlisted into the naval service or marine corps during the present war shall be entitled to receive the same bounty as if enlisted in the army. And the resolution approved February twenty-four, eighteen hundred and sixty-four, entitled "A resolution relative to the transfer of persons in the military service to the naval service," is hereby repealed: *Provided, nevertheless,* That such sums as may have been paid as bounty to persons transferred from the military to the naval service or marine corps shall be charged to, and paid out of, the proper naval appropriation, or appropriation for the marine corps.

Pub. Res. No. 15. *Post,* p. 402. Proviso.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CCII. — *An Act to establish Portland, in the State of Oregon, and Leavenworth, in the State of Kansas, Ports of Delivery.*

Portland and Leavenworth made ports of delivery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Portland, in the State of Oregon, and within the collection district of Oregon, and Leavenworth, in the State of Kansas, and within the collection district of Mississippi, be, and hereby are, declared to be ports of delivery within their respective collection districts. And there shall be appointed a surveyor of customs, to reside at each of said ports, who shall perform the duties and receive the compensation and emoluments prescribed in the act of congress approved March the second, eighteen hundred and thirty-one, being "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez to be secured and paid at those places."

Surveyors authorized.

1831, ch. 87. Vol. iv. p. 430.

APPROVED, July 1, 1864.

July 1, 1864.

CHAP. CCIII. — *An Act to compensate the Officers and Crew of the iron-clad Gunboat Essex for the Destruction of the rebel Ram Arkansas.*

Appropriation to pay the officers, &c., of the Essex.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty-five thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to enable the Secretary of the Navy to pay to the officers and crew of the iron-clad gunboat Essex, for the destruction of the rebel ram Arkansas, the bounty provided

by the fourth section of the act entitled "An act for the better government of the navy of the United States," approved July seventeen, eighteen hundred and sixty-two.

1862, ch. 204, § 4.
Vol. xii. p. 606.

APPROVED, July 1, 1864.

CHAP. CCIV. — *An Act prescribing the Punishment for enticing or aiding Seamen to desert the Naval Service of the United States.* July 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall entice or procure, or attempt or endeavor to entice or procure any seaman or other person in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or who shall in any wise aid or assist any such seaman or other person in deserting, or in attempting to desert from said naval service, or who shall harbor, conceal, protect, or in any wise assist any such seaman or other person who may have deserted from said naval service, knowing him to have deserted therefrom, or who shall refuse to give up and deliver such person on the demand of any officer authorized to receive him, shall be punished by imprisonment not less than six months nor more than three years, and by fine of not more than two thousand dollars, to be enforced in any court of the United States having jurisdiction.

Penalty for enticing, &c., persons in the naval service to desert.

APPROVED, July 1, 1864.

CHAP. CCV. — *An Act for the Disposal of Coal Lands and of Town Property in the Public Domain.* July 1, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where any tracts embracing coal-beds or coal-fields, constituting portions of the public domain, and which, as "mines," are excluded from the preemption act of eighteen hundred and forty-one, and which under past legislation are not liable to ordinary private entry, it shall and may be lawful for the President to cause such tracts, in suitable legal subdivisions, to be offered at public sale to the highest bidder, after public notice of not less than three months, at a minimum price of twenty dollars per acre; and any lands not thus disposed of shall thereafter be liable to private entry at said minimum.

1865, ch. 107.
Post, p. 529.
Disposal of coal lands and town property.
1841, ch. 16.
Vol. v. p. 453.

SEC. 2. *And be it further enacted,* That in any case in which parties have already founded, or may hereafter desire to found, a city or town on the public lands, it shall and may be lawful for them to cause to be filed with the recorder for the county in which the same is situated, a plat thereof, for not exceeding six hundred and forty acres, describing its exterior boundaries according to the lines of the public surveys, where such surveys have been executed; also giving the name of such city or town, and exhibiting the streets, squares, blocks, lots, and alleys, the size of the same, with measurements and area of each municipal sub-division, the lots in which shall each not exceed four thousand two hundred square feet, with a statement of the extent and general character of the improvements; the said map and statement to be verified under oath by the party acting for, and in behalf, of the persons proposing to establish such city or town; and within one month after such filing there shall be transmitted to the general land-office a verified transcript of such map and statement, accompanied by the testimony of two witnesses that such city or town has been established in good faith, and when the premises are within the limits of an organized land district, a similar map and statement shall be filed with the register and receiver, and at any time after the filing of such map, statement, and testimony in the general land-office, it shall and may be lawful for the President to cause the lots embraced within the limits of such city or town to be offered at public sale to the

Town or city sites in public lands.

City and town lots.

highest bidder, subject to a minimum of ten dollars for each lot; and such lots as may not be disposed of at public sale, shall thereafter be liable to private entry at said minimum, or at such reasonable increase or diminution thereafter as the Secretary of the Interior may order from time to time, after at least three months' notice, in view of the increase or decrease in the value of the municipal property: *Provided*, That any actual settler upon any one lot, as aforesaid, and upon any additional lot in which he may have substantial improvements, shall be entitled to prove up and purchase the same as a preëmption, at said minimum, at any time before the day fixed for the public sale.

When established upon unsurveyed lands, extension limits how adjusted.

SEC. 3. *And be it further enacted*, That when such cities or towns are established upon unsurveyed lands, it shall and may be lawful, after the extension thereto of the public surveys, to adjust the extension limits of the premises according to those lines, where it can be done without interference with rights which may be vested by sale; and patents for all lots so disposed of at public or private sale shall issue as in ordinary cases.

Patents to issue.

If maps, &c., are not filed in twelve months, surveys, &c., may be made, and lots disposed of.

SEC. 4. *And be it further enacted*, That if within twelve months from the establishment of a city or town, as aforesaid, in the public domain, the parties interested shall refuse or fail to file in the general land-office transcript map with the statement and testimony called for by the provisions of the second section of this act, it shall and may be lawful for the Secretary of the Interior to cause a survey and plat to be made of such city or town, and thereafter the lots in the same shall be disposed of as required by said provisions, with this exception, that they shall each be at an increase of fifty per centum on the aforesaid minimum of ten dollars per lot.

Regulations to carry act into effect.

Repeal of act of 1844, ch. 17. Vol. v. p. 657.

SEC. 5. *And be it further enacted*, That effect shall be given to the foregoing act, according to such regulations as may be prescribed by the Secretary of the Interior. The act entitled "An act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances," approved May twenty-three, anno Domini eighteen hundred and forty-four, and all other acts and parts of acts inconsistent with this act, be, and the same are hereby, repealed.

APPROVED, July 1, 1864.

July 2, 1864.

CHAP. CCIX. — *An Act to repeal the Act of the seventeenth of June, eighteen hundred and sixty-four, prohibiting the Sales of Gold and Foreign Exchange.*

Repeal of act prohibiting certain sales of gold. 1864, ch. 127. *Ante*, p. 132.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act entitled "An act to prohibit certain sales of gold and foreign exchange," approved June seventeen, eighteen hundred and sixty-four, be, and the same is hereby, repealed.

APPROVED, July 2, 1864.

July 2, 1864.

CHAP. CCX. — *An Act making Appropriations for sundry Civil Expenses of the Government for the Year ending the Thirtieth of June, eighteen hundred and sixty-five, and for other Purposes.*

Civil expenses 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, for the objects hereafter expressed, for the fiscal year ending the thirtieth June, eighteen hundred and sixty-five, viz.:—

Coast-survey.

Survey of the Coast. — For the survey of the Atlantic and Gulf coasts of the United States, including compensation of civilians engaged in the work, and excluding pay and emoluments of officers of the army and navy, and petty officers and men of the navy employed in the work, one hundred and seventy-eight thousand dollars.

For continuing the survey of the western coast of the United States, including compensation of civilians engaged in the work, one hundred thousand dollars.

Coast survey.

For continuing the survey of the Florida reefs and keys, including compensation of civilians engaged in the work, and excluding pay and emoluments of officers of the army and navy, and petty officers and men of the navy employed in the work, eleven thousand dollars.

For publishing the observations made in the progress of the survey of the coast of the United States, including compensation of civilians employed in the work, four thousand dollars.

For repairs of steamers and sailing schooners used in the coast-survey, four thousand dollars.

For pay and rations of engineers for four steamers used in the hydrography of the coast survey, no longer supplied by the Navy Department, nine thousand dollars.

Light-house Establishment. — For the Atlantic, Gulf, and Lake coasts, viz: —

Light-house establishment.

For supplying the light-houses and beacon-lights with oil, wicks, glass chimneys, and other necessary expenses of the same, and repairing and keeping in repair the lighting apparatus, one hundred and fifty-six thousand and eighty-seven dollars.

For repairs and incidental expenses, refitting and improving light-houses and buildings connected therewith, one hundred and two thousand two hundred dollars.

For salaries of five hundred and eighty-nine keepers of light-houses and lighted beacons, and their assistants, two hundred and thirteen thousand one hundred and ninety-three dollars and thirty-three cents.

For salaries of forty-three keepers of light-vessels, twenty-three thousand nine hundred dollars.

For seamen's wages, repairs, supplies, and incidental expenses of forty-three light-vessels, one hundred and eighty-two thousand three hundred and two dollars.

For expenses of raising, cleaning, painting, repairing, remooring, and supplying losses of beacons and buoys, and for chains and sinkers for the same, one hundred and twelve thousand three hundred and fifty dollars.

For expenses of visiting and inspecting lights and other aids to navigation, two thousand dollars.

For commissions, at two and a half per centum, to such superintendents as are entitled to the same under the proviso to act third March, eighteen hundred and fifty-one, on the amount that may be or may have been disbursed by them, ten thousand dollars:

1851, ch. 32.
Vol. ix. p. 608.

To enable the light-house board to reestablish lights and other aids to navigation, which have been injured or destroyed, on the southern coast, one hundred thousand dollars.

For completing the light-house works at Milwaukie, in addition to former appropriations, twelve thousand two hundred and eighty-seven dollars and twenty-six cents.

For completing the light-house works at Racine, in addition to former appropriations, twenty-one thousand three hundred and thirty-five dollars and twenty-eight cents.

For the erection of a light-house on Point Peninsula, between Big and Little Bays de Noguét, in the State of Michigan, fifteen thousand dollars.

For beacon-light on Land Point, on the west side of Little Bay de Noguét, in the State of Michigan, five thousand dollars.

For beacon-light at the mouth of Fox River, in the State of Wisconsin, five thousand dollars.

For removing and reconstructing *becon* [beacon] light on *Capen* [Cape] Henlopen, Delaware, seventeen thousand five hundred dollars.

Light-house establishment.

For erecting a light-house on Cape Arago, State of Oregon, fifteen thousand dollars.

For additional aids to navigation to facilitate the entrance to Portland, Maine, by suitably marking Alden's Rock and Bulwark Shoal, or otherwise, twenty thousand dollars, or so much thereof as may be found necessary.

Light-houses, &c., on the coasts of California, Oregon, and Washington.

For the Coasts of California, Oregon, and Washington. — For supplying twenty light-houses and beacon-lights with oil, glass chimneys, chamois skins, polishing powder, and other cleaning materials, transportation, expenses of keeping lamps and machinery in repair, and publishing notices to mariners of changes of aids to navigation, twenty-one thousand seven hundred and eighty dollars.

For repairs and incidental expenses of twenty light-houses and buildings connected therewith, ten thousand dollars.

For salaries of forty keepers and assistant keepers of light-houses, at an average not exceeding eight hundred dollars per annum, thirty-two thousand dollars.

For expenses of raising, cleaning, painting, repairing, remooring, and supplying losses of floating buoys and beacons, and for chains and sinkers for the same, and for coloring and numbering all the buoys, ten thousand dollars.

Special works.

For special works, viz: —

For repairing breakwater, and rebuilding keeper's dwelling at Newport harbor light-house, Rhode Island, six thousand dollars.

For repairs and renovations at Block Island light-house, Rhode Island, three thousand five hundred dollars.

For compensation of two inspectors of customs acting as superintendents for the life-saving stations on the coasts of Long Island and New Jersey, three thousand dollars.

For compensation of fifty-four keepers of stations, at two hundred dollars each, ten thousand eight hundred dollars.

For repairs of the roof of the court-house and post-office at Windsor, Vermont, ten thousand dollars, or so much thereof as may be necessary.

For construction and repair of light-boats, to be expended under the direction of the Secretary of the Treasury, one hundred and fifty thousand dollars.

Public buildings and grounds.

Public Buildings and Grounds. — For care, support, and medical and surgical treatment of forty transient paupers, medical and surgical patients in some proper medical institution in the city of Washington, to be selected by the commissioner of public buildings, six thousand dollars.

For hire of carts on the public grounds, two thousand dollars.

For purchase and repair of tools used in the public grounds, four hundred dollars.

To pay for ashes purchased by the public gardener three years ago for the public grounds, one hundred and twenty-five dollars.

For purchase of trees and tree-boxes, to replace, when necessary, such as have been planted by the United States, to whitewash tree-boxes and fences, and to repair pavements in front of the public grounds, three thousand dollars.

For annual repairs of the capitol, water-closets, public stables, water-pipes, pavements, and other walks within the Capitol Square, broken glass, and locks, and for the protection of the building, and keeping the main approaches to it unencumbered, eight thousand dollars.

To change Tiber Creek, where it runs through the botanic garden, into a sewer, ten thousand one hundred and fifty dollars, to be expended under the direction of the commissioner of public buildings.

To enable the commissioner of public buildings to reconstruct five of the old *burt-out* [burnt-out] furnaces now under the old portion of the capitol, five thousand dollars.

For annual repairs of the President's house and furniture, improvement of grounds, purchase of plants for garden, and contingent expenses incident thereto, six thousand dollars. President's house, &c.

For fuel, in part, of the President's house, two thousand four hundred dollars.

For repairs, refitting, and furnishing the President's summer residence at the Soldiers' Home, three thousand dollars.

For lighting the capitol and President's house, the public grounds around them, and around the executive offices, and Pennsylvania avenue, Bridge and High streets in Georgetown, Four-and-a-Half street, Seventh and Twelfth streets across the mall, and Maryland avenue west, and Sixth street south, sixty-three thousand five hundred dollars. Lighting capitol and public grounds.

For repairs of the Potomac and upper bridges, six thousand dollars. Bridges, avenue, &c.

For repairs of Pennsylvania avenue, and aiding in keeping it clean and free from dust, six thousand dollars.

For public reservation number two and Lafayette Square, two thousand dollars.

For taking care of the grounds south of the President's house, continuing the improvement of the same, and replacing trees destroyed, repairing fences, and other injuries, five thousand dollars.

For repairs of water-pipes, five hundred dollars.

For cleaning out the sewer-traps on Pennsylvania avenue, and repairing the same, three hundred dollars.

For casual repairs of all the furnaces under the capitol, five hundred dollars.

For deficiency in tiling the floor of the library of congress, one thousand two hundred dollars.

SEC. 2. *And be it further enacted*, That a marble floor, similar to that of the congressional library or the Senate vestibule, shall be constructed in the old hall of the House of Representatives, using such marble as may be now on hand and not otherwise required, and that suitable structures and railings shall be therein erected for the reception and protection of statuary, and the same shall be under the supervision and direction of the commissioner of public buildings; and so much of the moneys now or heretofore appropriated for the capitol extension as may be necessary, not exceeding the sum of fifteen thousand dollars, is hereby set apart and shall be disbursed for the *poses* [purposes] hereinbefore mentioned. And the President is hereby authorized to invite each and all the states to provide and furnish statues, in marble or bronze, not exceeding two in number for each state, of deceased persons who have been citizens thereof, and illustrious for their historic renown or from distinguished civic or military services, such as each state shall determine to be worthy of this national commemoration; and when so furnished the same shall be placed in the old hall of the House of Representatives, in the capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as a national statuary hall, for the purposes herein indicated. Marble floor in old hall of the House of Representatives. Structures, &c., for statuary.

To reimburse the commissioner of public buildings for money expended in replacing one of the iron panels in the ceiling of the library of congress, and to enable the commissioner to secure all the panels by fastening them with iron shackles to the roof, five hundred dollars. States to be invited to furnish statues.

For repairs of the basement of the President's house, three thousand dollars.

To enable the commissioner of public buildings to remove the water-pipes which conduct the water from the spring at Franklin Square to the President's house, rendered necessary by the grading around the treasury extension, and to lay them down in another place, five hundred dollars. Iron panel in ceiling of library of congress.

To enable the commissioner of public buildings to enclose Franklin Square with a wooden fence, and to guard the same and plant it with trees and shrubbery, three thousand dollars. Water-pipes to President's house. Enclosing Franklin Square.

Armory Square, &c. For repairing fence around Armory Square, five hundred and thirty-three dollars.

For painting the iron railing around the capitol grounds, fifteen hundred dollars.

For cleaning and painting the crypt and passages under the rotundo, two thousand dollars.

To pay expenses incurred by the commissioner of public buildings in enlarging bench in supreme court room, one thousand two hundred and fourteen dollars.

For repairs of navy-yard bridge, twenty-five thousand dollars.

For balance due the draughtsman for his services in charge and continuation of the series of maps ordered by resolution of the fourth May, eighteen hundred and forty-eight, for part of the fiscal year ending in eighteen hundred and sixty-two, fifteen hundred and twenty dollars and thirty-eight cents.

For repairs to the bridge across the Potomac River at Little Falls, two hundred and fifty dollars.

Accommodations for State Department.

To enable the Secretary of the Treasury to provide temporary accommodations for the State Department, and for such of the clerks of the second auditor of the treasury as cannot be accommodated in Winder's building, ten thousand dollars.

Jail in the District in Columbia. Salary of warden.

Jail of the District of Columbia. — For salary of warden of the jail in the District of Columbia, from February twenty-ninth to thirtieth of June, eighteen hundred and sixty-four, at the rate of sixteen hundred dollars per annum, five hundred and forty dollars and sixty-five cents.

Smithsonian Institute.

Smithsonian Institute. — For the preservation of the collections of the exploring and surveying expeditions of the government, four thousand dollars.

Government hospital for the insane.

Government Hospital for the Insane. — For the support, clothing, and medical treatment of the insane of the army and navy and the revenue-cutter service, and of the District of Columbia, at the government hospital for the insane in said district, including five hundred dollars for books, stationery, and incidental expenses, sixty thousand five hundred dollars.

For finishing, furnishing, heating, and lighting additional accommodations in the east wing, five thousand dollars.

For continuation of the wall enclosing the grounds of the hospital, ten thousand dollars.

For iron coping of the battlement of the hospital edifice, two thousand five hundred dollars.

Secretary of the Navy to reserve part of pay of officer in insane hospital.

The Secretary of the Navy is hereby authorized and required to set apart from the pay of any officer of the navy, or of the marine corps, who may be under treatment by his order in the government hospital for the insane, such a portion of the monthly pay of said officer as may be needed for his personal use and comfort in addition to the ordinary resources of that establishment. The superintendent of the government hospital for the insane shall recommend the portion of the pay of such officer of the navy, or of the marine corps, that shall be set apart in the manner and for the purpose hereinbefore described, but the Secretary of the Navy may, in his discretion, increase or reduce the sum so recommended to be set apart. The said sum set apart for the personal benefit of any officer of the navy, or of the marine corps, under treatment in the government hospital for the insane, by order of the Secretary of the Navy, shall be paid to the said superintendent of that institution, by the paymaster having charge of the said officer's accounts; and the receipt of said superintendent for the sum which he is authorized by the Secretary of the Navy to draw from the said paymaster shall be equivalent to the receipt of the legal guardian of said officer, or to that of the officer himself. The said superintendent shall disburse the money thus set apart and drawn by him, and he shall

Superintendent to recommend the amount.

Portion set apart to be paid to superintendent.

account for it in quarterly statements to the fourth auditor of the treasury.

Botanic Garden. — For grading, draining, procuring manure, tools, fuel, and repairs, purchasing trees and shrubs under the direction of the library committee of congress, three thousand three hundred dollars. Botanic garden.

For pay of superintendent of botanic garden, and assistants in the botanic garden and green-houses, to be expended under the direction of the library committee of congress, six thousand one hundred and forty-five dollars and eighty cents.

Columbian Institution for the Deaf and Dumb and Blind. — For salaries and incidental expenses, embracing, in addition to the objects heretofore provided for in this appropriation, the salary of an additional teacher, construction of a new sewer, and the construction and repairs of fences, seven thousand five hundred dollars. Institution for the deaf, dumb, and blind.

For continuing the work for the accommodation of the students and inmates in said institution, in addition to the appropriations heretofore made, viz: for the purchase of a tract of improved land, containing about thirteen acres, bordering on Boundary street of the city of Washington, and adjoining the lot now belonging to the institution, to enable it to instruct the male pupils in horticulture and agriculture, and to furnish sites for mechanic shops and other necessary buildings, twenty-six thousand dollars: *Provided*, That before the purchase of the said thirteen acres is consummated, the owner shall complete the title in fee to the premises now held and occupied by said institution, by executing a release or conveyance of the remainders and reversions now outstanding in him to the said institution. Purchase of land.

To bring the Potomac water into the institution from the nearest water mains, or other adequate sources in the city, three thousand two hundred dollars. Potomac water.

Patent-Office. — For expenses of receiving, arranging, and taking care of copyright books, charts, and other copyright matter, one thousand eight hundred dollars. Patent office.

For preparing illustrations and descriptions for report, six thousand dollars.

Survey of the Public Lands. — For surveying the public lands, (exclusive of California, Oregon, Washington, New Mexico, Kansas, Nebraska, Utah, Dakota, Colorado, Nevada, Arizona, Idaho, and Montana,) including incidental expenses and island surveys in the interior, and all other special and difficult surveys demanding augmented rates, to be apportioned and applied to the several surveying districts, according to the exigencies of the public service, in addition to the unexpended balances of all former appropriations for the same objects, fifty thousand dollars. Survey of public lands.

For surveying the public lands in California and Nevada, fifty thousand dollars.

For surveying the public lands in Oregon, twenty thousand dollars.

For surveying the public lands in Washington Territory, twenty thousand dollars.

For surveying the public lands in the Territory of Colorado, twenty thousand dollars.

For surveying the public lands in Kansas and Nebraska, fifty thousand dollars.

For surveying the public lands in the Territory of Dakota, five thousand dollars.

For the survey of a military road from Sioux City, Iowa, to Fort Randall, Dakota Territory, and from Niobrara, Nebraska Territory, to Fort Randall, and to bridge the Dakota and Vermillion Rivers and other streams, fifteen thousand dollars.

For surveying the public lands in New Mexico, ten thousand dollars.

For surveying the public lands in the Territory of Arizona, ten thousand dollars.

For surveying the public lands in the Territory of Idaho, ten thousand dollars.

For surveying the public lands in the Territory of Montana, ten thousand dollars.

Miscellaneous. *Miscellaneous.* — For *carring* [carrying] on the work of the commission appointed under the first article of the reciprocity treaty with Great Britain, eight thousand dollars.

Capitol extension. For continuing the work on the capitol extension, three hundred thousand dollars.

Patent-office building. For finishing the patent-office building, seventy-five thousand dollars.

To enable the commissioner of agriculture to pay a debt incurred by the commissioner of patents in preparing the agricultural report for eighteen hundred and sixty-one, and transferred to the account of the agricultural department in pursuance of an opinion of the Attorney-General of September eighteenth, eighteen hundred and sixty-two, three thousand seven hundred and four dollars and five cents.

To restore the salary of the chief messenger in the department of agriculture to nine hundred dollars per annum, at which it is fixed, three hundred dollars.

Telegraph between the Atlantic and Pacific. For the annual subsidy for facilitating communication between the Atlantic and Pacific states by electrical telegraph, forty thousand dollars.

Treasury extension. For the continuation of the north wing of the treasury extension, five hundred thousand dollars.

Treasury building. For furniture for treasury building, twenty-five thousand dollars.

Vaults. For the construction of vaults, as an additional security to the public funds in United States depositories, thirty thousand dollars.

Repair, &c., of custom-houses. For the repair and preservation of custom-houses, marine-hospitals, and other public buildings under the supervision of the Treasury Department, forty thousand dollars.

Custom-house at Portland, Me. For the purpose of building a new custom-house at Portland, Maine, on the site owned by the United States, fifty thousand dollars.

Furniture and repairs of public buildings. For furniture and repairs of furniture of the various public buildings under the supervision of the Treasury Department, fifteen thousand dollars.

Heating apparatus. For heating apparatus for the east front and centre wing of the treasury building, in addition to available appropriations, twelve thousand five hundred and thirty-seven dollars and sixty-seven cents.

Plates, paper, &c., for circulating notes. For plates, paper, and special dies, and the printing of circulating notes, and expenses necessarily incurred in procuring said notes, including miscellaneous items, four hundred and forty-one thousand two hundred and fifty dollars.

For the discharge of such miscellaneous claims, not otherwise provided for, as shall be admitted in due course of settlement at the treasury, ten thousand dollars.

Messengers to bring electoral votes. For the payment of messengers of the respective states for conveying to the seat of government the votes of the electors of said states for President and Vice-President of the United States, twenty thousand dollars.

For stationery for the Treasury Department, forty-five thousand dollars.

Biennial Register. For compiling and supervising the Biennial Register, per act of March second, eighteen hundred and sixty-one, five hundred dollars.

1861, ch. 44. Vol. xii. p. 141. Branch mint at San Francisco. To supply a deficiency in the appropriation for the branch-mint at San Francisco for the year ending thirtieth of June, eighteen hundred and sixty-four, seventy-one thousand three hundred and eleven dollars and ten cents.

Indian hostilities in Minnesota. To supply a deficiency in the appropriation for the costs, charges, and expenses properly incurred by the State of Minnesota in suppressing Indian hostilities in the year eighteen hundred and sixty-two, the sum of

one hundred and seventeen thousand dollars: *Provided*, That only so much of said sum shall be paid the State of Minnesota as is allowed by the proper accounting officers *unter* [under] the twenty-second section of the act approved March third, eighteen hundred and sixty-three, entitled "An act making appropriations for sundry civil expenses of the government for the year ending June thirtieth, eighteen *eighteen* hundred and sixty-four, and for the year ending thirtieth of June, eighteen hundred and sixty-three, and for other purposes."

Proviso.
1863, ch. 210,
§ 22, vol. xii. p.
754.

Montana. — For salaries of governor and superintendent of Indian affairs, chief-justice and two associate judges, and secretary, nine thousand seven hundred dollars.

Territory of
Montana.

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.

To enable the joint library committee to purchase a collection of early American maps and plans, chiefly manuscript originals illustrative of the French war, and the war of the Revolution, for deposit in the library of congress, one thousand dollars.

American
maps, &c., for
library of con-
gress.

For plans and detailed drawings for proposed changes in the capitol wings to secure improvement in the ventilation, heating, and acoustics of the halls of congress, the sum of fifteen hundred dollars, or so much thereof as may be necessary; the said outlay to be authorized and approved by the joint select committee of the two houses upon the ventilation, &c., of said halls, and to be paid out of the aforesaid appropriation for the capitol extension.

Plans for capi-
tol wings, venti-
lating, &c.

For additional clerical force in the office of the assistant treasurer at Philadelphia, four thousand five hundred dollars.

Assistant treas-
urer at Philadel-
phia.

SEC. 3. *And be it further enacted*, That the sum of one hundred thousand dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the purpose of meeting any expenses in detecting and bringing to trial and punishment persons engaged in counterfeiting treasury notes, bonds, or other securities of the United States, as well as the coin of the United States: *Provided*, That in the courts of the United States there shall be no exclusion of any witness on account of color, nor in civil actions because he is a party to, or interested in, the issue tried.

Detection of
counterfeiting
U. S. notes, &c.
Proviso.
Witnesses.
Post, p. 533.

SEC. 4. *And be it further enacted*, That the compensation of the clerk to the committee of ways and means shall be twenty-one hundred and sixty dollars per annum to commence with the present session of congress; and such sum as may be found necessary to pay the same be, and is hereby, appropriated.

Pay of clerk to
committee of
ways and means.

To compensate persons on board the U. S. gunboat "Cincinnati," in accordance with the joint resolution, approved *February* [April] nineteenth, eighteen hundred and sixty-four, seven thousand two hundred dollars.

Pay of persons
on board U. S.
gunboat Cincin-
nati.

For compensation of stamp-clerk in the office of the assistant treasurer at San Francisco, two thousand four hundred dollars, or so much thereof as may be necessary.

Pub. Res., No.
24.
Post, p. 404.

For compensation to clerks and extra clerk-hire, in addition to that already appropriated, in the office of the Secretary of the Treasury, one hundred thousand dollars.

Clerks, &c., in
office of Secretary
of Treasury;

For payment to Messrs. Little, Brown & Co., for three hundred and ninety-five copies of the 10th and 11th volumes each of the Statutes at Large, at three dollars and fifty cents per volume, delivered by order of the Secretary of the Interior, dated February twenty-first, eighteen hundred and sixty-three, two thousand seven hundred and sixty-five dollars.

Little, Brown,
& Co., for 10th
and 11th vols. of
Statutes at Large.

For payment of salaries for additional clerks in the Navy Department, for the fiscal year ending June thirtieth, eighteen hundred and sixty-five, nine thousand and eight hundred dollars.

Salaries of
additional clerks
in Navy Depart-
ment.

Digest of election cases.

For compensation to the clerk of the committee of elections for preparing for publication a continuation of the digest of election cases, to be expended under the direction of said committee, the sum of one thousand dollars, or so much thereof as in the opinion of said committee shall be necessary therefor.

To supply a deficiency in the appropriation for miscellaneous items for the Senate for the fiscal year ending June thirtieth, eighteen hundred and sixty-four, fifteen thousand seven hundred and thirty dollars.

For deficiency for the Congressional Globe for the present session, twenty-five thousand and sixty-five dollars and twelve cents.

Vaults, &c., in custom-house at Philadelphia. 1863, ch. 79, § 11. Vol. xii. p. 752.

SEC. 5. *And be it further enacted*, That in addition to the sum of ten thousand dollars, appropriated by the eleventh section of the act of March three, eighteen hundred and sixty-three, for the construction of vaults and the fitting up of offices in the custom-house building at Philadelphia, for the accommodation of the assistant treasurer of the United States at that city, there is hereby appropriated, payable out of any moneys in the treasury not otherwise appropriated, the sum of forty thousand dollars, to be expended under the direction of the Secretary of the Treasury, for the object provided for in said section, and in such alterations of said buildings as may be required to adapt the same to the receipt, custody, and disbursement of the public money by the assistant treasurer aforesaid, as well as to the convenient accommodation therein of the officers of the customs at the port of Philadelphia.

Pay of district attorneys, marshals, &c., for services in suppression of slave-trade; judges and arbitrators, &c. 1862, ch. 140, Vol. xii. p. 531.

SEC. 6. *And be it further enacted*, That the President of the United States be, and hereby is, authorized to expend during the fiscal year ending the thirtieth day of June, eighteen hundred and sixty-five, so much of the appropriation of second March, eighteen hundred and sixty-one, as he may deem expedient and proper, not exceeding in the whole ten thousand dollars, and other persons employed in enforcing the laws for the suppression of the African slave-trade, for any services they may render, and for which no allowance is otherwise provided by law; and also, so much of said appropriation as may be necessary to pay the salaries of the judges and arbitrators appointed by him pursuant to the act of congress, approved July eleven, eighteen hundred and sixty-two, entitled "An act to carry into effect the treaty between the United States and her Britannic Majesty for the suppression of the African slave-trade," and for the expenses of the mixed courts of justice provided for by said treaty.

Repeal of 1862, ch. 54, § 11. Vol. xii. p. 378.

1862, ch. 182, § 1. Vol. xii. p. 582.

SEC. 7. *And be it further enacted*, That section eleven of an act entitled "An act for the release of certain persons held to service or labor in the District of Columbia," approved April sixteen, eighteen hundred and sixty-two, and also that part of the first section of an act entitled "An act making supplemental appropriations for sundry civil expenses of the government for the year ending June thirtieth, eighteen hundred and sixty-three, and for the year ending June thirtieth, eighteen hundred and sixty-two, and for other purposes," approved July sixteen, eighteen hundred and sixty-two, which reads as follows "To enable the President to carry out the act of congress for the emancipation of the slaves in the District of Columbia, and to colonize those to be made free by the probable passage of a confiscation bill, five hundred thousand dollars, to be repaid to the treasury out of confiscated property, to be used at the discretion of the President in securing the right of colonization of said persons made free, and in payment of the necessary expenses of their removal," be, and the same are hereby, repealed: *Provided, however*, That this section shall not be construed so as to interfere with any expenditure that may have been incurred by carrying into effect the parts of acts above repealed, or any expenditure necessary to fulfil existing engagements in relation thereto.

Proviso.

Surgeon-general's district in New Mexico,

SEC. 8. *And be it further enacted*, That, until otherwise directed by law, the Territory of New Mexico, and the Territory of Arizona shall con-

stitute one surveyor-general's district; That the Territory of Idaho and Nevada shall constitute, and be a part of, the surveyor-general's district of Colorado; That the Territory of Dakota and Montana shall constitute one surveyor-general's district, and that there shall be but one office of surveyor-general for each surveyor-general's district; That the provisions of this section shall be executed under such rules and regulations as may be prescribed by the commissioner of the general land-office; and that all acts and parts of acts in conflict with the provisions of this section are hereby repealed.

Arizona, Idaho, Nevada, Dakota, and Montana.

Repeal.

SEC. 9. *And be it further enacted*, That sections eight and nine of an act entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord eighteen hundred and eight," which said sections undertake to regulate the coastwise slave-trade, are hereby repealed, and the coastwise slave-trade is prohibited forever.

Coastwise slave-trade prohibited.
Repeal of act 1807, ch. 22, §§ 8, 9.
Vol. ii. p. 429.

APPROVED, July 2, 1864.

CHAP. CCXI. — *An Act making Appropriations for the Construction, Preservation, and Repairs of certain Fortifications and other Works of Defence for the Year ending the thirtieth of June, eighteen hundred and sixty-five, and for other Purposes.*

July 2, 1864.

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, out of any money in the treasury not otherwise appropriated, for the construction, preservation, and repairs of certain fortifications and other works of defence for the year ending the thirtieth of June, eighteen hundred and sixty-five: —

Appropriation for fortifications, &c.

For Fort Montgomery, at outlet of Lake Champlain, New York, fifty thousand dollars.

Fort Montgomery.

For Fort Knox, at narrows of Penobscot River, Maine, one hundred thousand dollars.

Fort Knox.

For fort at entrance of Kennebec River, (Fort Popham,) Maine, one hundred thousand dollars.

Fort Popham.

For fort on Hog Island Ledge, (Fort Georges,) Portland harbor, Maine, one hundred and fifty thousand dollars.

Fort Georges.

For Fort Preble, Portland harbor, Maine, one hundred and fifty thousand dollars.

Fort Preble.

For Fort Scammel, Portland harbor, Maine, one hundred thousand dollars.

Fort Scammel.

For New Fort Constitution, Portsmouth harbor, New Hampshire, one hundred thousand dollars.

Fort Constitution.

For Fort McClary, Portsmouth harbor, New Hampshire, fifty thousand dollars.

Fort McClary.

For Fort Winthrop, Governor's Island, Boston harbor, Massachusetts, fifty thousand dollars.

Fort Winthrop.

For Fort Warren, Boston harbor, Massachusetts, twenty thousand dollars.

Fort Warren.

For sea-wall of Great Brewster's Island, forty thousand dollars.

Sea-wall at Great Brewster. On Deer and Lovell's Islands.

For repair of sea-walls on Deer and on Lovell's Island, ten thousand dollars.

For permanent forts at New Bedford harbor, Massachusetts, one hundred thousand dollars.

Forts at New Bedford harbor.

For Fort Schuyler, East River, New York, twenty-five thousand dollars.

Fort Schuyler.

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

Forts at Willet's Point.

For repairs of Fort Columbus, Castle Williams, South Battery, Fort Wood, and Fort Gibson, New York harbor, one hundred thousand dollars.

Fort Columbus.

For new battery near Fort Hamilton, at the Narrows, New York, seventy-five thousand dollars.

Fort Hamilton.

Fort Richmond.	For Fort Richmond, Staten Island, New York, twenty thousand dollars.
Fort on site of Fort Tompkins.	For fort on site of Fort Tompkins, Staten Island, New York, one hundred and fifty thousand dollars.
Battery of Staten Island.	For cas[e]mated battery on Staten Island, New York, seventy-five thousand dollars.
Sea-wall at Buffalo.	For repairs and completion of sea-wall at Buffalo, thirty-seven thousand five hundred dollars.
Fort at Sandy Hook.	For fort at Sandy Hook, New Jersey, one hundred and twenty-five thousand dollars.
Fort Mifflin.	For Fort Mifflin, near Philadelphia, Pennsylvania, twenty thousand dollars.
Delaware breakwater.	For permanent work for Delaware breakwater harbor, one hundred thousand dollars.
Fort Carroll.	For Fort Carroll, Baltimore harbor, Maryland, one hundred thousand dollars.
Fort Monroe.	For Fort Monroe, Hampton Roads, Virginia, fifty thousand dollars.
Fort Wool.	For Fort Wool, Hampton Roads, Virginia, two hundred thousand dollars.
Fort Clinch.	For Fort Clinch, entrance to Cumberland Sound, Florida, one hundred thousand dollars.
Fort at Ship Island;	For fort at Ship Island, coast of Mississippi, one hundred thousand dollars.
at Fort Point;	For fort at Fort Point, San Francisco bay, California, fifty thousand dollars.
at Alcatraz Island.	For fort at Alcatraz Island, San Francisco bay, California, ninety thousand dollars.
Defences at San Francisco.	For land defences at San Francisco, one hundred and seventy-seven thousand dollars: <i>Provided</i> , That no portion of the same shall be expended on other fortifications now in progress there.
At mouth of Columbia River.	For defences in Oregon and in Washington Territory, at or near the mouth of Columbia River, one hundred thousand dollars.
Repairs, &c., of barracks, &c.	For repairs and alterations of barracks, quarters, hospitals, storerooms, and fences at permanent forts not occupied by troops, fifty thousand dollars.
Platforms for cannon.	For construction of permanent platforms for modern cannon of large calibre in existing fortifications of important harbors, one hundred and thirty thousand dollars.
Tool and siege trains.	For tool and siege trains for armies in the field, two hundred thousand dollars.
Bridge trains and equipage.	For bridge trains and equipage for armies in the field, five hundred thousand dollars.
Contingencies.	For contingencies of fortifications, including field works and field operations, seven hundred thousand dollars.
Obstructions in Potomac River.	For providing obstructions to be moored in the Potomac River to render the shore batteries more efficient for the protection of Washington against maritime attack, three hundred thousand dollars.
Defences of Washington.	For completing and rendering more permanent the defences of Washington, three hundred thousand dollars.
Surveys of lakes.	For surveys of the northern and northwestern lakes, including Lake Superior, one hundred thousand dollars.
Chart of lake surveys.	For engraving and printing chart of lake surveys, ten thousand dollars.
Purchase, &c., of instruments.	For purchase and repair of instruments, fifteen thousand dollars.
Surveys for military defences, &c.	For surveys for military defences, and for purchase of campaign maps, manuscript notes, and maps of surveys of railroads and canals, one hundred and fifty thousand dollars.

APPROVED, July 2, 1864.

July 2, 1864.

CHAP. CCXII. — *An Act to authorize the United States to acquire Land in Wallabout Bay, belonging to the City of Brooklyn, and to authorize the Exchange of other Lands therefor.*

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Navy

be, and he is hereby, authorized and empowered to negotiate with the city of Brooklyn, in the State of New York, and to effect an exchange of lands in Wallabout Bay between the United States and the said city, and thereupon to make, execute, and deliver good and sufficient deeds and releases therefor.

Lands in Wallabout Bay.

APPROVED, July 2, 1864.

CHAP. CCXIII. — *An Act granting Lands to the State of Oregon, to aid in the Construction of a Military Road from Eugene City to the Eastern Boundary of said State.*

July 2, 1864.

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, granted to the State of Oregon, to aid in the construction of a military wagon-road from Eugene City, by way of Middle Fork of Willamette River, and the most feasible pass in Cascade range of mountains, near Diamond Peak, to the eastern boundary of the State, alternate sections of public lands, designated by odd numbers, for three sections in width on each side of said road: *Provided,* That the lands hereby granted shall be exclusively applied in the construction of said road, and shall be disposed of only as the work progresses; and the same shall be applied to no other purpose whatever; *and provided further,* That any and all lands heretofore reserved to the United States by act of congress, or other competent authority, be, and the same are, reserved from the operation of this act, except so far as it may be necessary to locate the route of said road through the same, in which case the right of way is granted.

Lands granted to Oregon for a military wagon-road.

Lands to be applied exclusively in constructing such road.

Lands heretofore reserved excepted from this act.

SEC. 2. *And be it further enacted,* That the said lands hereby granted to said state shall be disposed of by the legislature thereof for the purpose aforesaid, and for no other; and the said road shall be and remain a public highway for the use of the government of the United States, free from tolls or other charge upon the transportation of any property, troops, or mails of the United States.

Lands granted to be disposed of by legislature, &c.

SEC. 3. *And be it further enacted,* That said road shall be constructed with such width, graduation, and bridges, as to permit of its regular use as a wagon-road, and in such other special manner as the State of Oregon may prescribe.

Width, grade, &c., of road.

SEC. 4. *And be it further enacted,* That the lands hereby granted to said state shall be disposed of only in the following manner, that is to say: that a quantity of land not exceeding thirty sections for said road may be sold; and when the governor of said state shall certify to the Secretary of the Interior that any ten continuous miles of said road are completed, then another quantity of land hereby granted, not to exceed thirty sections, may be sold, and so from time to time until said road is completed; and if said road is not completed within five years, no further sales shall be made, and the land remaining unsold shall revert to the United States.

Mode of disposition of lands.

Land to revert if, &c.

APPROVED, July 2, 1864.

CHAP. CCXIV. — *An Act to establish Colfax Street in the City of Washington and District of Columbia.*

July 2, 1864.

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 hereof, the alley, which is sixty feet wide, across square seven hundred and twelve, and which connects L and M streets north, and the west line of which is two hundred and twelve feet east of the east line of First street east, shall be known as Colfax street.

Colfax street established.

SEC. 2. *And be it further enacted,* That congress may hereafter, at any time, amend or repeal this act.

This act may be amended, &c.

APPROVED, July 2, 1864.

July 2, 1864.

CHAP. CCXV. — *An Act to provide for the more speedy Punishment of Guerilla Marauders, and for other Purposes.*

Sentences against guerilla marauders, who may carry into effect.
1863, ch. 75, § 21.
Vol. xii. p. 735.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the twenty-first section of an act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved third March, eighteen hundred and sixty-three, shall apply as well to the sentences of military commissions as to those of courts-martial, and hereafter the commanding general in the field, or the commander of the department, as the case may be, shall have power to carry into execution all sentences against guerilla marauders for robbery, arson, burglary, rape, assault with intent to commit rape, and for violation of the laws and customs of war, as well as sentences against spies, mutineers, deserters, and murderers.

Officer ordering court-martial may remit, &c., sentence of court.

SEC. 2. *And be it further enacted,* That every officer authorized to order a general court-martial shall have power to pardon or mitigate any punishment ordered by such court, including that of confinement in the penitentiary, except the sentence of death, or of cashiering or dismissing an officer, which sentences it shall be competent during the continuance of the present rebellion for the general commanding the army in the field, or the department commander, as the case may be, to remit or mitigate; and the fifth section of the act approved July seventeenth, eighteen hundred and sixty-two, chapter two hundred and one, be, and the same is hereby, repealed, so far as it relates to sentences of imprisonment in the penitentiary.

Repeal of 1862, ch. 201, § 5.
Vol. xii. p. 598.

Soldiers sick in hospital and discharged, but dying in hospital, &c., to be entitled to bounties.

SEC. 3. *And be it further enacted,* That when a soldier sick in hospital shall have been discharged, or shall be discharged, from the military service, but shall be unable to leave, or to avail himself of his discharge, in consequence of sickness or of wounds, and shall subsequently die in such hospital, he shall be deemed to have died in the military service, so far as relates to bounties.

APPROVED, July 2, 1864.

July 2, 1864.

1862, ch. 120.
Vol. xii. p. 439.
1865, ch. 88.
Post, p. 504.

CHAP. CCXVI. — *An Act to amend an Act entitled "An Act to aid in the Construction of a Railroad and Telegraph Line from the Missouri River to the Pacific Ocean, and to secure to the Government the Use of the same for Postal, Military, and other Purposes," approved July first, eighteen hundred and sixty-two.*

Shares in capital stock of Pacific Railroad to be \$100 each.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the capital stock of the company entitled the Union Pacific Railroad Company, authorized by the act of which this act is amendatory, shall be in shares of one hundred dollars, instead of one thousand dollars, each; that the number of shares shall be one million, instead of one hundred thousand; and that the number of shares which any person shall hold to entitle him to serve as a director in said company (except the five directors to be appointed by government) shall be fifty shares, instead of five shares; and that every subscriber to said capital stock for each share of one thousand dollars, heretofore subscribed, shall be entitled to a certificate for ten shares of one hundred dollars each; and that the following words in section first of said act: "which shall be subscribed for and held in not more than two hundred shares by any one person," be, and the same are hereby, repealed.

Number of shares.

Directors to hold fifty shares.

Part of act of 1862, ch. 120, § 1, repealed.
Vol. xii. p. 490.

SEC. 2. *And be it further enacted,* That the Union Pacific Railroad Company shall cause books to be kept open to receive subscriptions to the capital stock of said company, (until the entire capital of one hundred millions of dollars shall be subscribed,) at the general office of said company in the city of New York, and in each of the cities of Boston, Philadelphia, Baltimore, Chicago, Cincinnati, and Saint Louis, at such places as may be designated by the President of the United States, and in such other localities as may be directed by him. No subscription for said stock

Books of subscription to be kept open in certain cities.

shall be deemed valid unless the subscriber therefor shall, at the time of subscribing, pay or remit to the treasurer of the company an amount per share subscribed by him equal to the amount per share previously paid by the then existing stockholders. The said company shall make assessments upon its stockholders of not less than five dollars per share, and at intervals of not exceeding six months from and after the passage of this act, until the par value of all shares subscribed shall be fully paid; and money only shall be receivable for any such assessment, or as equivalents for any portion of the capital stock hereinbefore authorized. The capital stock of said company shall not be increased beyond the actual cost of said road. And the stock of the company shall be deemed personal property, and shall be transferable on the books of the company, at the general office of said company in the city of New York, or at such other transfer office as the company may establish.

Subscription not to be valid unless, &c.

Assessments.

Stock not to be increased, &c.; to be personal property.

SEC. 3. *And be it further enacted,* That the Union Pacific Railroad Company, and all other companies provided for in this act and the act to which this is an amendment, be, and hereby are, empowered to enter upon, purchase, take, and hold any lands or premises that may be necessary and proper for the construction and working of said road, not exceeding in width one hundred feet on each side of its centre line, unless a greater width be required for the purpose of excavation or embankment; and also any lands or premises that may be necessary and proper for turnouts, standing places for cars, depots, station house[s], or any other structures required in the construction and operating of said road. And each of said companies shall have the right to cut and remove trees or other materials that might by falling encumber its road-bed, though standing or being more than one hundred feet therefrom. And in case the owner or claimant of such lands or premises and such company cannot agree as to the damages, the amount shall be determined by the appraisal of three disinterested commissioners, who may be appointed upon application by any party to any judge of a court of record in any of the territories in which the lands or premises to be taken lie; and said commissioners, in their assessments of damages, shall appraise such premises at what would have been the value thereof if the road had not been built; and upon return into court of such appraisement, and upon the payment to the clerk thereof of the amount so awarded by the commissioners for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved by said assessment may, within thirty days, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary in the construction of its road. And said party appealing shall give bonds with sufficient surety or sureties, for the payment of any costs that may arise upon such appeal. And in case the party appealing does not obtain a more favorable verdict, such party shall pay the whole cost incurred by the appellee, as well as its own. And the payment into court for the use of the owner or claimant, of a sum equal to that finally awarded shall be held to vest in said company the title of said land, and the right to use and occupy the same for the construction, maintaining, and operating of the road of said company. And in case any of the lands to be taken as aforesaid shall be held by any person residing without the territory, or subject to any legal disability, the court may appoint a proper person who shall give bonds with sufficient surety or sureties, for the faithful execution of his trust, and who may represent in court the person disqualified or absent as aforesaid, when the same proceeding shall be had in reference to the appraisement of the premises to be taken, and with the same effect as have been already described. And the title of the company to the land taken by virtue of this

Railroads may take and hold lands necessary for road, &c.

Damages.

Appraisement.

Appeal from assessment.

Damages to land of absent owners.

Damages to unoccupied lands.

Agreements as to damages of persons under disability.

Amendments of §§ 3, 7, of act of 1862, ch. 120. Vol. xii. p. 492.

"Mineral land" not to include coal and iron.

Preëmption, homestead, &c., rights not affected hereby.

Limit to exemption.

Timber.

Lands granted to colleges not included herein.

1862, ch. 130. Vol. xii. p. 503.

Time for designating route, filing map, &c., extended, &c.

act shall not be affected nor impaired by reason of any failure by any guardian to discharge faithfully his trust. And in case it shall be necessary for either of the said companies to enter upon lands which are unoccupied, and of which there is no apparent owner or claimant, it may proceed to take and use the same for the purpose of its said railroad, and may institute proceedings in manner described for the purpose of ascertaining the value of, and acquiring a title to, the same; and the court may determine the kind of notice to be served on such owner or owners, and may in its discretion appoint an agent or guardian to represent such owner or owners in case of his or their incapacity or non-appearance. But in case no claimant shall appear within six years from the time of the opening of said road across any land, all claim to damages against said company shall be barred. It shall be competent for the legal guardian of any infant, or any other person under guardianship, to agree with the proper company as to damages sustained by reason of the taking of any lands of any such person under disability, as aforesaid, for the use as aforesaid; and upon such agreement being made, and approved by the court having supervision of the official acts of said guardian, the said guardian shall have full power to make and execute a conveyance thereof to the said company which shall vest the title thereto in the said company.

SEC. 4. *And be it further enacted*, That section three of said act be hereby amended by striking out the word "five," where the same occurs in said section, and by inserting in lieu thereof the word "ten;" and by striking out the word "ten," where the same occurs in said section, and by inserting in lieu thereof the word "twenty." And section seven of said act is hereby amended by striking out the word "fifteen," where the same occurs in said section, and inserting in lieu thereof the word "twenty-five." And the term "mineral land," wherever the same occurs in this act, and the act to which this is an amendment, shall not be construed to include coal and iron land. And any lands granted by this act, or the act to which this is an amendment, shall not defeat or impair any preëmption, homestead, swamp land, or other lawful claim, nor include any government reservation or mineral lands, or the improvements of any bona fide settler, or any lands returned and denominated as mineral lands, and the timber necessary to support his said improvements as a miner, or agriculturalist, to be ascertained under such rules as have been or may be established by the commissioner of the general land-office, in conformity with the provisions of the preëmption laws: *Provided*, That the quantity thus exempted by the operation of this act, and the act to which this act is an amendment, shall not exceed one hundred and sixty acres for each settler who claims as an agriculturalist, and such quantity for each settler who claims as a miner, as the said commissioner may establish by general regulation: *Provided, also*, That the phrase "but where the same shall contain timber, the timber thereon is hereby granted to said company," in the proviso to said section three, shall not apply to the timber growing or being on any land farther than ten miles from the centre line of any one of said roads or branches mentioned in said act, or in this act. And all lands shall be excluded from the operation of this act, and of the act to which this act is an amendment, which were located, or selected to be located, under the provisions of an act entitled "an act donating lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July second, eighteen hundred and sixty-two, and notice thereof given at the proper land-office.

SEC. 5. *And be it further enacted*, That the time for designating the general route of said railroad, and of filing the map of the same, and the time for the completion of that part of the railroads required by the terms of said act of each company, be, and the same is hereby, extended one year from the time in said act designated; and that the Central Pacific

Railroad Company of California shall be required to complete twenty-five miles of their said road in each year thereafter, and the whole to the state line within four years, and that only one half of the compensation for services rendered for the government by said companies shall be required to be applied to the payment of the bonds issued by the government in aid of the construction of said roads.

Part of compensation to pay for bonds.

SEC. 6. *And be it further enacted,* That the proviso to section four of said act is hereby modified as follows, viz: And the President of the United States is hereby authorized, at any time after the passage of this act, to appoint for each and every of said roads three commissioners, as provided for in the act to which this is amendatory; and the verified statement of the president of the California company, required by said section four, shall be filed in the office of the United States surveyor-general for the State of California, instead of being presented to the President of the United States; and the said surveyor-general shall thereupon notify the said commissioners of the filing of such statement, and the said commissioners shall thereupon proceed to examine the portion of said railroad and telegraph line so completed, and make their report thereon to the President of the United States, as provided by the act of which this is amendatory. And such statement may be filed, and such railroad and telegraph line be examined and reported on, by the said commissioners, and the requisite amount of bonds may be issued and the lands appertaining thereto may be set apart, located, entered, and patented, as provided in this act and the act to which this is amendatory, upon the construction by said railroad company of California of any portion of not less than twenty consecutive miles of their said railroad and telegraph line, upon the certificate of said commissioners that such portion is completed as required by the act to which this is amendatory. And section ten of the act of which this is amendatory is hereby amended by inserting, after the words "United States," in the last clause, the words "and states intervening."

Commissioners for the roads. 1862, ch. 120, § 4. Vol. xii. p. 492.

Statement may be filed, bonds issued, &c., when, &c.

Amendment to § 10.

SEC. 7. *And be it further enacted,* That so much of section seventeen of said act as provides for a reservation by the government of a portion of the bonds to be issued to aid in the construction of the said railroads is hereby repealed. And the failure of any one company to comply fully with the conditions and requirements of this act, and the act to which this is amendatory, shall not work a forfeiture of the rights, privileges, or franchise of any other company or companies that shall have complied with the same.

Repeal of requirement that portion of bonds should be reserved.

Failure of one company not to affect others.

SEC. 8. *And be it further enacted,* That for the purpose of facilitating the work on said railroad, and of enabling the said company as early as practicable to commence the grading of said railroad in the region of the mountains, between the eastern base of the Rocky Mountains and the western base of the Sierra Nevada Mountains, so that the same may be finally completed within the time required by law, it is hereby provided that whenever the chief engineer of the said company, and said commissioners, shall certify that a certain proportion of the work required *required* to prepare the road for the superstructure on any such section of twenty miles is done, (which said certificate shall be duly verified,) the Secretary of the Treasury is hereby authorized and required, upon the delivery of such certificate, to issue to said company a proportion of said bonds, not exceeding two thirds of the amount of bonds authorized to be issued under the provisions of the act, to aid in the construction of such section of twenty miles, nor in any case exceeding two thirds of the value of the work done, the remaining one third to remain until the said section is fully completed and certified by the commissioners appointed by the President, according to the terms and provisions of the said act; and no such bonds shall issue to the Union Pacific Railroad Company for work done west of Salt Lake City under this section, more than three hundred

Portion of bonds may be issued when engineer, &c., certify that a part of the work, &c., is done.

miles in advance of the completed continuous line of said railroad from the point of beginning on the one hundredth meridian of longitude.

Corporations
may establish,
&c., ferries, and
construct bridges.

SEC. 9. *And be it further enacted*, That to enable any one of said corporations to make convenient and necessary connections with other roads, it is hereby authorized to establish and maintain all necessary ferries upon and across the Missouri River and other rivers which its road may pass in its course; and authority is hereby given said corporation to construct bridges over said Missouri River, and all other rivers for the convenience of said road: *Provided*, That any bridge or bridges it may construct over the Missouri River, or any other navigable river on the line of said road, shall be constructed with suitable and proper draws for the passage of steamboats, and shall be built, kept, and maintained, at the expense of said company in such manner as not to impair the usefulness of said rivers for navigation to any greater extent than such structures of the most approved character necessarily do: *And provided, further*, That any company authorized by this act to construct its road and telegraph line from the Missouri River to the initial point aforesaid, may construct its road and telegraph line so as to connect with the Union Pacific Railroad at any point westwardly of such initial point, in case such company shall deem such westward connection more practicable or desirable; and in aid of the construction of so much of its road and telegraph line as shall be a departure from the route hereinbefore provided for its road, such company shall be entitled to all the benefits, and be subject to all the conditions and restrictions, of this act: *Provided, further, however*, That the bonds of the United States shall not be issued to such company for a greater amount than is hereinbefore provided, if the same had united with the Union Pacific Railroad on the 100th degree of longitude; nor shall such company be entitled to receive any greater amount of alternate sections of public lands than are also herein provided.

Draws.

Connection
with Union Paci-
fic Railroad.

Proviso.

First mortgage
bonds.
1862, ch. 120, § 5.
Vol. xii. p. 492.

SEC. 10. *And be it further enacted*, That section five of said act be so modified and amended that the Union Pacific Railroad Company, the Central Pacific Railroad Company, and any other company authorized to participate in the construction of said road, may, on the completion of each section of said road, as provided in this act and the act to which this act is an amendment, issue their first mortgage bonds on their respective railroad and telegraph lines to an amount not exceeding the amount of the bonds of the United States, and of even tenor and date, time of maturity, rate and character of interest with the bonds authorized to be issued to said railroad companies respectively. And the lien of the United States bonds shall be subordinate to that of the bonds of any or either of said companies hereby authorized to be issued on their respective roads, property, and equipments, except as to the provisions of the sixth section of the act to which this act is an amendment, relating to the transmission of despatches and the transportation of mails, troops, munitions of war, supplies and public stores for the government of the United States. And said section is further amended by striking out the word "forty," and inserting in lieu thereof the words "on each and every section of not less than twenty."

Lien of the
United States.

Provision for
bonds already
issued by any
company.

SEC. 11. *And be it further enacted*, That if any of the railroad companies entitled to bonds of the United States, or to issue their first mortgage bonds herein provided for, has, at the time of the approval of this act, issued, or shall thereafter issue, any of its own bonds or securities in such form or manner as in law or equity to entitle the same to priority or preference of payment to the said guaranteed bonds, or said first mortgage bonds, the amount of such corporate bonds outstanding and unsatisfied, or uncanceled, shall be deducted from the amount of such government and first mortgage bonds which the company may be entitled to receive and issue; and such an amount only of such government bonds and such first mortgage bonds shall be granted or permitted, as added to such out-

standing, unsatisfied, or uncancelled bonds of the company shall make up the whole amount per mile to which the company would otherwise have been entitled: *And provided, further,* That before any bonds shall be so given by the United States, the company claiming them shall present to the Secretary of the Treasury an affidavit of the president and secretary of the company, to be sworn to before the judge of a court of record, setting forth whether said company has issued any such bonds or securities, and, if so, particularly describing the same, and such other evidence as the secretary may require, so as to enable him to make the deduction herein required; and such affidavit shall then be filed and deposited in the office of the Secretary of the Interior. And any person swearing falsely to any such affidavit, shall be deemed guilty of perjury, and, on conviction thereof, shall be punished as aforesaid: *Provided, also,* That no land granted by this act shall be conveyed to any party or parties, and no bonds shall be issued to any company or companies, party or parties, on account of any road or part thereof, made prior to the passage of the act to which this act is an amendment, or made subsequent thereto under the provisions of any act or acts other than this act, and the act amended by this act.

Outstanding bonds.

Provisos.

SEC. 12. *And be it further enacted,* That the Leavenworth, Pawnee, and Western Railroad Company, now known as the Union Pacific Railroad Company, eastern division, shall build the railroad from the mouth of Kansas River, by the way of Leavenworth, or, if that be not deemed the best route, then the said company shall, within two years, build a railroad from the city of Leavenworth to unite with the main stem at or near the city of Lawrence; but to aid in the construction of said branch the said company shall not be entitled to any bonds. And if the Union Pacific Railroad Company shall not be proceeding in good faith to build the said railroad through the territories when the Leavenworth, Pawnee, and Western Railroad Company, now known as the Union Pacific Railroad Company, eastern division, shall have completed their road to the hundredth degree of longitude, then the last-named company may proceed to make said road westward until it meets and connects with the Central Pacific Railroad Company on the same line. And the said railroad from the mouth of Kansas River to the one hundredth meridian of longitude shall be made by the way of Lawrence and Topeka, or on the bank of the Kansas River opposite said towns: *Provided,* That no bonds shall be issued or land certified by the United States to any person or company, for the construction of any part of the main trunk-line of said railroad west of the one hundredth meridian of longitude and east of the Rocky Mountains, until said road shall be completed from or near Omaha, on the Missouri River, to the said one hundredth meridian of longitude.

Union Pacific Railroad, eastern division, &c., to build railroad, &c.

Not entitled to bonds therefor.

Proviso.

SEC. 13. *And be it further enacted,* That at and after the next election of directors, the number of directors to be elected by the stockholders shall be fifteen; and the number of directors to be appointed by the President shall be five; and the President shall appoint three additional directors to serve until the next regular election, and thereafter five directors. At least one of said government directors shall be placed on each of the standing committees of said company, and at least one on every special committee that may be appointed. The government directors shall, from time to time, report to the Secretary of the Interior, in answer to any inquiries he may make of them, touching the condition, management, and progress of the work, and shall communicate to the Secretary of the Interior, at any time, such information as should be in the possession of the department. They shall, as often as may be necessary to a full knowledge of the condition and management of the line, visit all portions of the line of road, whether built or surveyed; and while absent from home, attending to their duties as directors, shall be paid their actual travelling expenses, and be allowed and paid such rea-

Number of directors.

Government directors.

Report to Secretary of the Interior.

sonable compensation for their time actually employed as the board of directors may decide.

Next election
of directors.

SEC. 14. *And be it further enacted,* That the next election for directors of said railroad shall be held on the first Wednesday of October next, at the office of said company in the city of New York, between the hours of ten o'clock a. m. and four o'clock p. m. of said day; and all subsequent regular elections shall be held annually thereafter at the same place; and the directors shall hold their offices for one year, and until their successors are qualified.

Regular elec-
tions.

Roads and
telegraph to be
used as one con-
tinuous line.

SEC. 15. *And be it further enacted,* That the several companies authorized to construct the aforesaid roads are hereby required to operate and use said roads and telegraph for all purposes of communication, travel, and transportation, so far as the public and the government are concerned, as one continuous line; and, in such operation and use, to afford and secure to each equal advantages and facilities as to rates, time, and transportation, without any discrimination of any kind in favor of the road or business of any or either of said companies, or adverse to the road or business of any or either of the others, and it shall not be lawful for the proprietors of any line of telegraph, authorized by this act, or the act amended by this act to refuse, or fail to convey for all persons requiring the transmission of news and messages of like character, on pain of forfeiting to the person injured for each offence, the sum of one hundred dollars, and such other damage as he may have suffered on account of said refusal or failure, to be sued for and recovered in any court of the United States, or of any state or territory of competent jurisdiction.

Companies
may be consoli-
dated.

Mode of pro-
cedure.

SEC. 16. *And be it further enacted,* That any two or more of the companies authorized to participate in the benefits of this act, are hereby authorized at any time to unite and consolidate their organizations, as the same may or shall be, upon such terms and conditions, and in such manner as they may agree upon, and as shall not be incompatible with this act, or the laws of the state or states in which the roads of such companies may be, and to assume and adopt such corporate name and style as they may agree upon, with a capital stock not to exceed the actual cost of the roads so to be consolidated, and shall file a copy of such consolidation in the Department of the Interior; and thereupon such organization, so formed and consolidated, shall succeed to, possess, and be entitled to receive from the government of the United States, all and singular the grants, benefits, immunities, guarantees, acts, and things to be done and performed, and be subject to the same terms, conditions, restrictions, and requirements which said companies respectively, at the time of such consolidation, are or may be entitled or subject to under this act, in place and substitution of said companies so consolidated respectively. And all other provisions of this act, so far as applicable, relating or in any manner pertaining to the companies so consolidated, or either thereof, shall apply and be of force as to such consolidated organization. And in case upon the completion by such consolidated organization of the roads, or either of them, of the companies so consolidated, any other of the road or roads of either of the other companies authorized as aforesaid, (and forming, or intended or necessary to form, a portion of a continuous line from each of the several points on the Missouri River, hereinbefore designated, to the Pacific coast,) shall not have constructed the number of miles of its said road within the time herein required, such consolidated organization is hereby authorized to continue the construction of its road and telegraph in the general direction and route upon which such incomplete or unconstructed road is hereinbefore authorized to be built, until such continuation of the road of such consolidated organization shall reach the constructed road and telegraph of said other company, and at such point to connect and unite therewith; and for and in aid thereof the said consolidated organization may do and perform, in reference to such portion of road and

telegraph as shall so be in continuation of its constructed road and telegraph, and to the construction and equipment thereof, all and singular, the several acts and things hereinbefore provided, authorized, or granted to be done by the company hereinbefore authorized to construct and equip the same, and shall be entitled to similar and like grants, benefits, immunities, guarantees, acts, and things to be done and performed by the government of the United States, by the President of the United States, by the Secretaries of the Treasury and Interior, and by commissioners in reference to such company, and to such portion of the road hereinbefore authorized to be constructed by it, and upon the like and similar terms and conditions, so far as the same are applicable thereto. And said consolidated company shall pay to said defaulting company the value to be estimated by competent engineers of all the work done and material furnished by said defaulting company, which may be adopted and used by said consolidated company in the progress of the work under the provisions of this section: *Provided, nevertheless*, That said defaulting company may at any time, before receiving pay for its said work and material, as hereinbefore provided, on its own election, pay said consolidated company the value of the work done and material furnished by said consolidated company, to be estimated by competent engineers, necessary for, and used in, the construction of the road of said defaulting company, and resume the control of its said road; and all the rights, benefits, and privileges which shall be acquired, possessed, or exercised, pursuant to this section, shall be to that extent an abatement of the rights, benefits, and privileges hereinbefore granted to such other company. And in case any company authorized thereto, shall not enter into such consolidated organization, such company, upon the completion of its road as hereinbefore provided, shall be entitled to, and is hereby authorized to, continue and extend the same under the circumstances, and in accordance with the provisions of this section, and to have all the benefits thereof, as fully and completely as are herein provided, touching such consolidated organization. And in case more than one such consolidated organization shall be made, pursuant to this act, the terms and conditions of this act, hereinbefore recited as to one, shall apply in like manner, force, and effect to the other. *Provided, however*, That rights and interests at any time acquired by one such consolidated organization, shall not be impaired by another thereof. It is further provided that, should the Central Pacific Railroad Company of California complete their line to the eastern line of the State of California, before the line of the Union Pacific Railroad Company shall have been extended westward so as to meet the line of said first-named company, said first-named company may extend their line of road eastward one hundred and fifty miles on the established route, so as to meet and connect with the line of the Union Pacific road, complying in all respects with the provisions and restrictions of this act as to said Union Pacific road, and upon doing so, shall enjoy all the rights, privileges, and benefits conferred by this act on said Union Pacific Railroad Company.

Powers and duties of consolidated organization.

Proviso.

Proviso.

SEC. 17. *And be it further enacted*, That so much of section fourteen of said act as relates to a branch from Sioux City be, and the same is hereby, amended so as to read as follows: That whenever a line of railroad shall be completed through the States of Iowa, or Minnesota, to Sioux City, such company, now organized or may hereafter be organized under the laws of Iowa, Minnesota, Dakota, or Nebraska, as the President of the United States, by its request, may designate or approve for that purpose, shall construct and operate a line of railroad and telegraph from Sioux City, upon the most direct and practicable route, to such a point on, and so as to connect with, the Iowa branch of the Union Pacific Railroad from Omaha, or the Union Pacific Railroad, as such company may select, and on the same terms and conditions as are provided in this act and the act to which this is an amendment, for the construction of the

Branch from
Sioux City.
1862, ch. 120,
§ 14.
Vol. xii. p. 496.

Union Pacific Railroad need not construct the branch.

Bonds.

Lands.

Time of completion.

Forfeiture, if, &c.

Burlington and Missouri River road may extend its road.

Right of way.

Indian titles to be extinguished.

Lands granted.

Proviso.

Commission to be appointed.

said Union and Pacific Railroad and telegraph line and branches ; and said company shall complete the same at the rate of fifty miles per year : *Provided*, That said Union Pacific Railroad Company shall be, and is hereby, released from the construction of said branch. And said company constructing said branch shall not be entitled to receive in bonds an amount larger than the said Union Pacific Railroad Company would be entitled to receive if it had constructed the branch under this act and the act to which this is an amendment ; but said company shall be entitled to receive alternate sections of land for ten miles in width on each side of the same along the whole length of said branch : *And provided, further*, That if a railroad should not be completed to Sioux City, across Iowa or Minnesota, within eighteen months from the date of this act, then said company designated by the President, as aforesaid, may commence, continue, and complete the construction of said branch as contemplated by the provisions of this act : *Provided, however*, That if the said company so designated by the President as aforesaid shall not complete the said branch from Sioux City to the Pacific Railroad within ten years from the passage of this act, then, and in that case, all of the railroad which shall have been constructed by said company shall be forfeited to, and become the property of, the United States.

SEC. 18. *And be it further enacted*, That the Burlington and Missouri River Railroad Company, a corporation organized under and by virtue of the laws of the State of Iowa, be, and hereby is, authorized to extend i[t]s road through the Territory of Nebraska from the point where it strikes the Missouri River, south of the mouth of the Platte River, to some point not further west than the one hundredth meridian of west longitude, so as to connect, by the most practicable route, with the main trunk of the Union Pacific Railroad, or that part of it which runs from Omaha to the said one hundredth meridian of west longitude. And, for the purpose of enabling said Burlington and Missouri River Railroad Company to construct that portion of their road herein authorized, the right of way through the public lands is hereby granted to said company for the construction of said road. And the right, power, and authority is hereby given to said company to take from the public lands adjacent to the line of said road, earth, stone, timber, and other materials for the construction thereof. Said right of way is granted to said company to the extent of two hundred feet where it may pass over the public lands, including all necessary grounds for stations, buildings, workshops, depots, machine shops, switches, side-tracks, turn-tables, and water-stations. And the United States shall extinguish, as rapidly as may be, consistent with public policy and the welfare of the said Indians, the Indian titles to all lands falling under the operation of this section and required for the said right of way and grant of land herein made.

SEC. 19. *And be it further enacted*, That for the purpose of aiding in the construction of said road, there be, and hereby is, granted to the said Burlington and Missouri River Railroad Company, every alternate section of public land (excepting mineral lands as provided in this act) designated by odd numbers, to the amount of ten alternate sections per mile on each side of said road, on the line thereof, and not sold, reserved, or otherwise disposed of by the United States, and to which a preëmption or homestead claim may not have attached at the time the line of said road is definitely fixed : *Provided*, That said company shall accept this grant within one year from the passage of this act, by filing such acceptance with the Secretary of the Interior, and shall also establish the line of said road, and file a map thereof with the Secretary of the Interior within one year of the date of said acceptance, when the said Secretary shall withdraw the lands embraced in this grant from market.

SEC. 20. *And be it further enacted*, That whenever said Burlington and Missouri River Railroad Company shall have completed twenty con-

secutive miles of the road mentioned in the foregoing section, in the manner provided for other roads mentioned in this act, and the act to which this is an amendment, the President of the United States shall appoint three commissioners to examine and report to him in relation thereto; and if it shall appear to him that twenty miles of said road have been completed as required by this act, then, upon certificate of said commissioner[s] to that effect, patents shall issue conveying the right and title to said lands to said company on each side of said road, as far as the same is completed, to the amount aforesaid; and such examination, report, and conveyance, by patents, shall continue from time to time, in like manner, until said road shall have been completed. And the President shall appoint said commissioners, fill vacancies in said commission, as provided in relation to other roads mentioned in the act to which this is an amendment. And the said company shall be entitled to all the privileges and immunities granted to the Hannibal and Saint Joseph's Railroad Company by the said last-mentioned act, so far as the same may be applicable: *Provided*, That no government bonds shall be issued to the said Burlington and Missouri River Railroad Company to aid in the construction of said extension of its road: *And provided, further*, That said extension shall be completed within the period of ten years from the passage of this act.

Patents to
issue.

Provides.

SEC. 21. *And be it further enacted*, That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, there shall first be paid into the treasury of the United States, the cost of surveying, selecting, and conveying the same, by the said company or party in interest, as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the commissioner of the general land-office for the prosecution of the survey of the public lands along the line of said road, and so from year to year until the whole shall be completed, as provided under the provisions of this act.

Cost of survey-
ing, &c., to be
paid before con-
veyances are
made.

SEC. 22. *And be it further enacted*, That congress may, at any time, alter, amend, or repeal this act.

This act may
be altered, &c.

APPROVED, July 2, 1864.

CHAP. CCXVII. — *An Act granting Lands to aid in the Construction of a Railroad and Telegraph Line from Lake Superior to Puget's Sound, on the Pacific Coast, by the Northern Route.*

July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Richard D. Rice, John A. Poore, Samuel P. Strickland, Samuel C. Fessenden, Charles P. Kimball, Augustine Haines, Edwin R. W. Wiggin, Anson P. Morrill, Samuel J. Anderson, of Maine; Willard Sears, I. S. Withington, Josiah Perham, James M. Becket, A. W. Banfield, Abiel Abbott, John Newell, Austin L. Rogers, Nathaniel Greene, jur., Oliver Frost, John A. Bass, John O. Bresbrey, George Shiverick, Edward Tyler, Filander J. Forristall, Ivory H. Pope, of Massachusetts; George Opdyke, Fairley Holmes, John Huggins, Philander Reed, George Briggs, Chauncy Vibbard, John C. Fremont, of New York; Ephraim Marsh, John P. Jackson, jr., of New Jersey; S. M. Felton, John Toy, O. J. Dickey, B. F. Archer, G. W. Cass, J. Edgar Thompson, John A. Green, of Pennsylvania; T. M. Allyn, Moses W. Wilson, Horace Whittaker, Ira Bliss, of Connecticut; Joseph A. Gilmore, Onslow Stearns, E. P. Emerson, Frederick Smyth, William E. Chandler, of New Hampshire; Cyrus Aldrich, H. M. Rice, John McKusick, H. C. Waite, Stephen Miller, of Minnesota; E. A. Chapin, John Gregory Smith, George Merrill, of Vermont; James Y. Smith, William S. Slater, Isaac H. Southwick, Earl P. Mason, of Rhode Island; Seth Fuller, William Kellogg, U. S. Grant, William B. Ogden, William G. Greene, Leonard Sweat, Henry W. Blodgett, Porter Sheldon, of Illinois; J. M. Winchell, Elsworth Cheesebrough, James S. Emery, of Kansas; Richard

Northern Paci-
fic Railroad Com-
pany incorporat-
ed.

Names of cor-
porators.

Northern Pacific Railroad Company.

F. Perkins, Richard Chenery, Samuel Brannan, George Rowland, Henry Platt, of California; William F. Mercer, James W. Brownley, of Virginia; John H. B. Latrobe, W. Prescott Smith, of Maryland; Greenbury Slack, A. J. Boreman, of West Virginia; Thomas E. Bramlette, Frank Shorin, of Kentucky; John Brough, John A. Bingham, Oran Follett, John Gardner, S. S. L'Hommedieu, Harrison G. Blake, Philo Chamberlin, of Ohio; John A. Duncan, Samuel M. Harrington, of Delaware; Thomas A. Morris, Jesse L. Williams, of Indiana; Samuel L. Case, Henry L. Hall, David H. Jerome, Thomas D. Gilbert, C. A. Trowbridge, of Michigan; Edward H. Broadhead, Alexander Mitchell, Benjamin Ferguson, Levi Sterling, — Marshal, of Wisconsin; J. C. Ainsworth, Orlando Humason, H. W. Corbett, Henry Failling, of Oregon; J. B. S. Todd, M. K. Armstrong, J. Shaw Gregory, J. Le Berge, of Dakota Territory; John Mullan, Anson G. Henry, S. D. Smith, Charles Terry, of Washington Territory; H. W. Starr, Platt Smith, Nixon Denton, William Leighton, B. F. Allen, Reuben Noble, John L. Davies, of Iowa; Willard P. Hall, George R. Smith, H. Gayle King, John C. Sargeant, of Missouri; William H. Wallace, of Idaho Territory; J. H. Lathrop, Henry D. Cooke, H. E. Merrick, of the District of Columbia, and all such other persons who shall or may be associated with them, and their successors, are hereby created and erected into a body corporate and politic, in deed and in law, by the name, style, and title of the "Northern Pacific Railroad Company," and by that name shall have perpetual succession, and shall be able to sue and to be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States, and may make and have a common seal. And said corporation is hereby authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad and telegraph line, with the appurtenances, namely, beginning at a point on Lake Superior, in the State of Minnesota or Wisconsin; thence westerly by the most eligible railroad route, as shall be determined by said company, within the territory of the United States, on a line north of the forty-fifth degree of latitude to some point on Puget's Sound, with a branch, via the valley of the Columbia River, to a point at or near Portland, in the State of Oregon, leaving the main trunk-line at the most suitable place, not more than three hundred miles from its western terminus; and is hereby vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this act as herein set forth.

Powers, &c.

May lay out, &c., a railroad and telegraph line.

Capital stock.

Commissioners.

Quorum.
First meeting of commissioners.

Officers, &c.

The capital stock of said company shall consist of one million shares of one hundred dollars each, which shall in all respects be deemed personal property, and shall be transferable in such manner as the by-laws of said corporation shall provide. The persons hereinbefore named are hereby appointed commissioners, and shall be called the board of commissioners of the "Northern Pacific Railroad Company," and fifteen shall constitute a quorum for the transaction of business. The first meeting of said board of commissioners shall be held at the Melodion hall, in the city of Boston, at such time as any five commissioners herein named from Massachusetts shall appoint, not more than three months after the passage of this act, notice of which shall be given by them to the other commissioners by publishing said notice in at least one daily newspaper in the cities of Boston, New York, Philadelphia, Cincinnati, Milwaukee, and Chicago, once a week at least four weeks previous to the day of meeting. Said board shall organize by the choice from its number of a president, vice-president, secretary, and treasurer, and they shall require from said treasurer such bonds as may be deemed proper, and may from time to time increase the amount thereof as they may deem proper. The secretary shall be sworn to the faithful performance of his duties, and such oath shall be entered upon the records of the company, signed by him, and the oath verified thereon. The president and secretary of said board shall in like manner call all

other meetings, naming the time and place thereof. It shall be the duty of said board of commissioners to open books, or cause books to be opened, at such times, and in such principal cities or other places in the United States, as they, or a quorum of them, shall determine, within six months after the passage of this act, to receive subscriptions to the capital stock of said corporation, and a cash payment of ten per centum on all subscriptions, and to receipt therefor. So soon as twenty thousand shares shall in good faith be subscribed for, and ten dollars per share actually paid into the treasury of the company, the said president and secretary of said board of commissioners shall appoint a time and place for the first meeting of the subscribers to the stock of said company, and shall give notice thereof in at least one newspaper in each state in which subscription books have been opened, at least fifteen days previous to the day of meeting, and such subscribers as shall attend the meeting so called, either in person or by lawful proxy, then and there shall elect by ballot thirteen directors for said corporation; and in such election each share of said capital stock shall entitle the owner thereof to one vote. The president and secretary of the board of commissioners, and, in case of their absence or inability, any two of the officers of said board, shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at said meeting; and the said commissioners, treasurer, and secretary, shall then deliver over to said directors all the properties, subscription books, and other books in their possession, and thereupon the duties of said commissioners, and the officers previously appointed by them, shall cease and determine forever, and thereafter the stockholders shall constitute said body politic and corporate. Annual meetings of the stockholders of the said corporation for the choice of officers (when they are to be chosen) and for the transaction of business shall be holden at such time and place and upon such notice as may be prescribed in the by-laws.

SEC. 2. *And be it further enacted,* That the right of way through the public lands be, and the same is hereby, granted to said "Northern Pacific Railroad Company," its successors and assigns, for the construction of a railroad and telegraph as proposed; and the right, power, and authority is hereby given to said corporation to take from the public lands, adjacent to the line of said road, material of earth, stone, timber, and so forth, for the construction thereof. Said way is granted to said railroad to the extent of two hundred feet in width on each side of said railroad where it may pass through the public domain, including all necessary ground for station buildings, workshops, depots, machine shops, switches, side tracks, turn-tables, and water-stations; and the right of way shall be exempt from taxation within the territories of the United States. The United States shall extinguish, as rapidly as may be consistent with public policy and the welfare of the said Indians, the Indian titles to all lands falling under the operation of this act, and acquired in the donation to the [road] named in this bill.

SEC. 3. *And be it further enacted,* That there be, and hereby is, granted to the "Northern Pacific Railroad Company," its successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line to the Pacific coast, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores, over the route of said line of railway, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as said company may adopt, through the territories of the United States, and ten alternate sections of land per mile on each side of said railroad whenever it passes through any state, and whenever on the line thereof, the United States have full title, not reserved, sold, granted, or otherwise appropriated, and free from preemption, or other claims or rights, at the time the line of said road is definitely fixed, and a plat thereof filed in the office

Meetings.
Books of subscription.
First meeting of subscribers to stock.
Directors.
Inspectors of election.
Commissioners to deliver to directors.
Annual meetings.
Right of way.
Materials for construction.
Indian titles to be extinguished.
Grant of public lands.

of the commissioner of the general land-office; and whenever, prior to said time, any of said sections or parts of sections shall have been granted, sold, reserved, occupied by homestead settlers, or preempted, or otherwise disposed of, other lands shall be selected by said company in lieu thereof, under the direction of the Secretary of the Interior, in alternate sections, and designated by odd numbers, not more than ten miles beyond the limits of said alternate sections: *Provided*, That if said route shall be found upon the line of any other railroad route to aid in the construction of which lands have been heretofore granted by the United States, as far as the routes are upon the same general line, the amount of land heretofore granted shall be deducted from the amount granted by this act: *Provided, further*, That the railroad company receiving the previous grant of land may assign their interest to said "Northern Pacific Railroad Company," or may consolidate, confederate, and associate with said company upon the terms named in the first section of this act: *Provided, further*, That all mineral lands be, and the same are hereby, excluded from the operations of this act, and in lieu thereof a like quantity of unoccupied and unappropriated agricultural lands, in odd numbered sections, nearest to the line of said road may be selected as above provided: *And provided, further*, That the word "mineral," when it occurs in this act, shall not be held to include iron or coal: *And provided, further*, That no money shall be drawn from the treasury of the United States to aid in the construction of the said "Northern Pacific Railroad."

SEC. 4. *And be it further enacted*, That whenever said "Northern Pacific Railroad Company" shall have twenty-five consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated, the President of the United States shall appoint three commissioners to examine the same, and if it shall appear that twenty-five consecutive miles of said road and telegraph line have been completed in a good, substantial, and workmanlike manner, as in all other respects required by this act, the commissioners shall so report to the President of the United States, and patents of lands, as aforesaid, shall be issued to said company, confirming to said company the right and title to said lands, situated opposite to, and coterminous with, said completed section of said road; and, from time to time, whenever twenty-five additional consecutive miles shall have been constructed, completed, and in readiness as aforesaid, and verified by said commissioners to the President of the United States, then patents shall be issued to said company conveying the additional sections of land as aforesaid, and so on as fast as every twenty-five miles of said road is completed as aforesaid: *Provided*, That not more than ten sections of land per mile, as said road shall be completed, shall be conveyed to said company for all that part of said railroad lying east of the western boundary of the State of Minnesota, until the whole of said railroad shall be finished and in good running order, as a first-class railroad, from the place of beginning on Lake Superior to the western boundary of Minnesota: *Provided, also*, That lands shall not be granted under the provisions of this act on account of any railroad, or part thereof, constructed at the date of the passage of this act.

SEC. 5. *And be it further enacted*, That said Northern Pacific Railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turnouts, stations, and watering places, and all other appurtenances, including furniture, and rolling stock, equal in all respects to railroads of the first class, when prepared for business, with rails of the best quality, manufactured from American iron. And a uniform gauge shall be established throughout the entire length of the road. And there shall be constructed a telegraph line, of the most substantial and approved description, to be operated along the entire line: *Provided*, That the said company shall not charge the government higher rates than they do individuals for like

Lands in lieu
of those reserved,
&c.

Provisos.

Mineral lands
excluded.

Commissioners.

Patents.

Provisos.

Railroad to be
constructed in,
&c.

Gauge.

Telegraph line.

transportation and telegraphic service. And it shall be the duty of the Northern Pacific Railroad Company to permit any other railroad which shall be authorized to be built by the United States, or by the legislature of any territory or state in which the same may be situated, to form running connections with it, on fair and equitable terms.

Other roads may form connections.

SEC. 6. *And be it further enacted*, That the President of the United States shall cause the lands to be surveyed for forty miles in width on both sides of the entire line of said road, after the general route shall be fixed, and as fast as may be required by the construction of said rail road; and the odd sections of land hereby granted shall not be liable to sale, or entry, or preëmption before or after they are surveyed, except by said company, as provided in this act; but the provisions of the act of September, eighteen hundred and forty-one, granting preëmption rights, and the acts amendatory thereof, and of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twenty, eighteen hundred and sixty-two, shall be, and the same are hereby, extended to all other lands on the line of said road, when surveyed, excepting those hereby granted to said company. And the reserved alternate sections shall not be sold by the government at a price less than two dollars and fifty cents per acre, when offered for sale.

Lands on both sides of road to be surveyed, &c.

1841, ch. 16,
Vol. v. p. 453.

1862, ch. 75,
Vol. xii. p. 392.

SEC. 7. *And be it further enacted*, That the said "Northern Pacific Railroad Company" be, and is hereby, authorized and empowered to enter upon, purchase, take, and hold any lands or premises that may be necessary and proper for the construction and working of said road, not exceeding in width two hundred feet on each side of the line of its railroad, unless a greater width be required for the purpose of excavation or embankment; and also any lands or premises that may be necessary and proper for turnouts, standing places for cars, depots, station-houses, or any other structures required in the construction and working of said road. And the said company shall have the right to cut and remove trees and other material that might, by falling, encumber its road-bed, though standing or being more than two hundred feet from the line of said road. And in case the owner of such lands or premises and the said company cannot agree as to the value of the premises taken, or to be taken, for the use of said road, the value thereof shall be determined by the appraisal of three disinterested commissioners, who may be appointed, upon application by either party, to any court of record in any of the territories in which the lands or premises to be taken lie; and said commissioners, in their assessment of damages, shall appraise such premises at what would have been the value thereof if the road had not been built. And upon return into court of such appraisal, and upon the payment into the same of the estimated value of the premises taken for the use and benefit of the owner thereof, said premises shall be deemed to be taken by said company, which shall thereby acquire full title to the same for the purposes aforesaid. And either party feeling aggrieved at said appraisal may, within thirty days after the same has been returned into court, file an appeal therefrom, and demand a jury of twelve men to estimate the damage sustained; but such appeal shall not interfere with the rights of said company to enter upon the premises taken, or to do any act necessary and proper in the construction of its road. And said party appealing shall give bonds, with sufficient surety or sureties, for the payment of any cost that may arise upon such appeal; and in case the party appealing does not obtain a verdict, increasing or diminishing, as the case may be, the award of the commissioners, such party shall pay the whole cost incurred by the appellee, as well as his own, and the payment into court, for the use of the owner of said premises taken, of a sum equal to that finally awarded, shall be held to vest in said company the title of said land, and of the right to use and occupy the same for the construction, maintenance, and operation of said road. And in case any

Company may take lands necessary for its road.

Damages, how determined.

Appeal from assessment.

of the lands to be taken, as aforesaid, shall be held by any infant, femme covert, non-compos, insane person, or persons residing without the territory within which the lands to be taken lie, or persons subjected to any legal disability, the court may appoint a guardian for any party under any disqualification, to appear in proper person, who shall give bonds, with sufficient surety or sureties, for the proper and faithful execution of his trust, and who may represent in court the person disqualified, as aforesaid, from appearing, when the same proceedings shall be had in reference to the appraisement of the premises to be taken for the use of said company, and with the same effect as has been already described; and the title of the company to the lands taken by virtue of this act shall not be affected or impaired by reason of any failure by any guardian to discharge faithfully his trust. And in case any party shall have a right or claim to any land for a term of years, or any interest therein, in possession, reversion, or remainder, the value of any such estate, less than a fee simple, shall be estimated and determined in the manner hereinbefore set forth. And in case it shall be necessary for the company to enter upon any lands which are unoccupied, and of which there is no apparent owner or claimant, it may proceed to take and use the same for the purposes of said railroad, and may institute proceedings, in manner described, for the purpose of ascertaining the value of, and of acquiring title to, the same; but the judge of the court hearing said suit shall determine the kind of notice to be served on such owner or owners, and he may in its discretion appoint an agent or guardian to represent such owner or owners in case of his or their incapacity or non-appearance. But in case no claimant shall appear within six years from the time of the opening of said road across any land, all claims to damages against said company shall be barred.

Lands held by infants or persons under any legal disability.

Claims to be made within six years.

Conditions of grant.

SEC. 8. *And be it further enacted,* That each and every grant, right, and privilege herein are so made and given to, and accepted by, said Northern Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year after the second year, and shall construct, equip, furnish, and complete the whole road by the fourth day of July, anno Domini eighteen hundred and seventy-six.

If company breaks conditions, &c., the United States may complete the road.

SEC. 9. *And be it further enacted,* That the United States make the several conditioned grants herein, and that the said Northern Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upwards of one year, then, in such case, at any time hereafter, the United States, by its congress, may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

Any person may subscribe to stock.

SEC. 10. *And be it further enacted,* That all people of the United States shall have the right to subscribe to the stock of the Northern Pacific Railroad Company until the whole capital named in this act of incorporation is taken up, by complying with the terms of subscription; and no mortgage or construction bonds shall ever be issued by said company on said road, or mortgage, or lien made in any way, except by the consent of the congress of the United States.

No mortgage unless, &c.

Railroad to be post route and military road.

SEC. 11. *And be it further enacted,* That said Northern Pacific Railroad, or any part thereof, shall be a post route and a military road, subject to the use of the United States, for postal, military, naval, and all other government service, and also subject to such regulations as congress may impose restricting the charges for such government transportation.

Company to signify in writing its acceptance of terms, &c., of grant.

SEC. 12. *And be it further enacted,* That the acceptance of the terms, conditions, and impositions of this act by the said Northern Pacific Railroad Company shall be signified in writing under the corporate seal of

said company, duly executed pursuant to the direction of its board of directors first had and obtained, which acceptance shall be made within two years after the passage of this act, and not afterwards, and shall be served on the President of the United States.

SEC. 13. *And be it further enacted,* That the directors of said company shall make an annual report of their proceedings and expenditures, verified by the affidavits of the president and at least six of the directors, and they shall, from time to time, fix, determine, and regulate the fares, tolls, and charges to be received and paid for transportation of persons and property on said road, or any part thereof. Annual report of directors.

SEC. 14. *And be it further enacted,* That the directors chosen in pursuance of the first section of this act shall, so soon as may be after their election, elect from their own number a president and vice-president; and said board of directors shall, from time to time, and so soon as may be after their election, choose a treasurer and secretary, who shall hold their offices at the will and pleasure of the board of directors. The treasurer and secretary shall give such bonds, with such security as the said board from time to time may require. The secretary shall, before entering upon his duty, be sworn to the faithful discharge thereof, and said oath shall be made a matter of record upon the books of said corporation. No person shall be a director of said company unless he shall be a stockholder, and qualified to vote for directors at the election at which he shall be chosen. President and other officers.

SEC. 15. *And be it further enacted,* That the president, vice-president, and directors shall hold their offices for the period indicated in the by-laws of said company, not exceeding three years, respectively, and until others are chosen in their place, and qualified. In case it shall so happen that an election of directors shall not be made on any day appointed by the by-laws of said company, the corporation shall not for that excuse be deemed to be dissolved, but such election may be holden on any day which shall be appointed by the directors. The directors, of whom seven, including the president, shall be a quorum for the transaction of business, shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, the transfer of shares, the duties and conduct of their officers and servants touching the election and meeting of the directors, and all matters whatsoever which may appertain to the concerns of said company; and the said board of directors may have full power to fill any vacancy or vacancies that may occur from any cause or causes from time to time in their said board. And the said board of directors shall have power to appoint such engineers, agents, and subordinates as may from time to time be necessary to carry into effect the object of the company, and to do all acts and things touching the location and construction of said road. Term of office of president and other officers.

SEC. 16. *And be it further enacted,* That it shall be lawful for the directors of said company to require payment of the sum of ten per centum cash assessment upon all subscriptions received of all subscribers, and the balance thereof at such times and in such proportions and on such conditions as they shall deem to be necessary to complete the said road and telegraph line within the time in this act prescribed. Sixty days' previous notice shall be given of the payments required, and of the time and place of payment, by publishing a notice once a week in one daily newspaper in each of the cities of Boston, New York, Philadelphia, and Chicago; and in case any stockholder shall neglect or refuse to pay, in pursuance of such notice, the stock held by such person shall be forfeited absolutely to the use of the company, and also any payment or payments that shall have been made on account thereof, subject to the condition that the board of directors may allow the redemption on such terms as they may prescribe. Quorum. By-laws.

Power of directors.

Payment of cash assessment.

Notice.

Stock to be forfeited, &c.

Company may accept, &c., grants.

SEC. 17. *And be it further enacted*, That the said company is authorized to accept to its own use any grant, donation, loan, power, franchise, aid, or assistance which may be granted to, or conferred upon, said company by the congress of the United States, by the legislature of any state, or by any corporation, person, or persons; and said corporation is authorized to hold and enjoy any such grant, donation, loan, power, franchise, aid, or assistance, to its own use for the purpose aforesaid.

Company to gain consent of state legislatures, &c.

SEC. 18. *And be it further enacted*, That said Northern Pacific Railroad Company shall obtain the consent of the legislature of any state through which any portion of said railroad line may pass, previous to commencing the construction thereof; but said company may have the right to put on engineers and survey the route before obtaining the consent of the legislature.

Act to be void, unless, &c.

SEC. 19. *And be it further enacted*, That unless said Northern Pacific Railroad Company shall obtain bonâ fide subscriptions to the stock of said company to the amount of two millions of dollars, with ten per centum paid within two years after the passage and approval of this act, it shall be null and void.

Act may be altered, &c.

SEC. 20. *And be it further enacted*, That the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line, and keeping the same in working order, and to secure to the government at all times (but particularly in time of war) the use and benefits of the same for postal, military, and other purposes, congress may, at any time, having due regard for the rights of said Northern Pacific Railroad Company, add to, alter, amend, or repeal this act.

APPROVED, July 2, 1864.

July 2, 1864.

CHAP. CCXVIII. — *An Act to quiet the Titles to Lands within the Rancho Laguna de Santos Calle, in the State of California.*

Titles to lands in the Rancho Laguna de Santos Calle, California, quieted.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it may and shall be lawful for all purchasers from the grantees or their assigns of lands within the Rancho Laguna de Santos Calle, in the State of California, to file, within twelve months from the passage of this act, with the register of the land-office at Marysville, applications describing the lands so purchased by them respectively, with proofs of bonâ fide purchase from the said grantees or their assigns; and, upon such proofs being found satisfactory, the said purchasers shall be permitted to enter, according to the lines of the public surveys, at one dollar and twenty-five cents per acre, the lands so purchased within the limits of said rancho, as described in the petition presented to the board of commissioners under the act of March 3, 1851, entitled "An act to ascertain and settle the private land claims in the State of California," to the extent to which the lands so purchased have been reduced to possession, and are now held by said purchasers: *Provided*, That any person who shall avail himself of the provisions of this act shall be thereafter debarred any further claim under the grantee in the event of a final confirmation of the grant.

1851, ch. 41.
Vol. ix. p. 631.

Costs of additional surveys.

SEC. 2. *And be it further enacted*, That where any additional surveys may be found necessary to give full effect to this act, the commissioner of the general land-office shall cause such surveys to be made at the cost of the purchasers, as provided by the 10th section of the act of May 30th, 1862, entitled "An act to reduce the expenses of the survey and sale of the public lands of the United States:" *Provided*, That no entry of mineral lands or lands reserved for military or other public uses, shall be permitted under this act, nor shall any rights acquired under the pre-emption laws of the United States be affected hereby.

1862, ch. 86, § 10.
Vol. xii. p. 410.

Proviso.

SEC. 3. *And be it further enacted*, That it shall be the duty of the

register and receiver of the proper land-office to receive all applications in cases presented under this act, pursuant to such instructions as may be prescribed by the commissioner of the general land-office, and to adjudge all such cases as preliminary to a final decision in due course of law.

Duty of registers and receivers under this act.

APPROVED, July 2, 1864.

CHAP. CCXIX.—*An Act to authorize assimilated Rank to be given to the Warrant Officers of the United States Navy, and for other Purposes.*

July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized, if, in his judgment, it shall be conducive to the interest of the service, to give assimilated rank to the warrant officers of the navy, viz: boatswains, gunners, carpenters, and sail-makers, as follows: After five years of service to rank with ensigns; and after ten years service to rank with masters.

Assimilated rank to warrant officers in the navy.

SEC. 2. *And be it further enacted,* That, from and after the passage of this act, the officers named in the preceding section shall be known as "warrant officers in the naval service of the United States," and shall be so entered upon the Naval Register.

To be called "warrant officers," &c.

SEC. 3. *And be it further enacted,* That in all cases where it has been, or may be, found necessary during the present war to detain in confinement persons found on board of captured vessels, the expenses of the detention of such persons, when not chargeable to the proceeds of prize or other fund, shall be paid out of the appropriation for defraying the expenses of suits in which the United States are concerned, and that the expenses of prisoners sentenced by naval court-martial to confinement in a penitentiary shall be defrayed from the same fund.

Expenses of confinement of persons found in captured vessels.

SEC. 4. *And be it further enacted,* That the following addition be made to the clerical force now authorized by law in the Navy Department:— Bureau of provisions and clothing, two clerks of the third class and two of the first class.

Additional clerks in the Navy Department.

Bureau of ordnance, one clerk of the third class.

Bureau of equipment and recruiting, one clerk of the second class and one clerk of the first class.

APPROVED, July 2, 1864.

CHAP. CCXX.—*An Act for increased Facilities of Telegraph Communication between the Atlantic and Pacific States and the Territory of Idaho.*

July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Telegraph Company, and their associates, are hereby authorized to erect a line or lines of magnetic telegraph between the Missouri River and the city of San Francisco, in the State of California, on such route as they may select, to connect with the lines of the said United States Telegraph Company, now constructed, and being constructed through the states of the Union. The said company shall have the use of such unoccupied land of the United States as may be necessary for the right of way, and materials, and for the establishing of stations along said line for repairs, not exceeding at any station one quarter section of land; and such stations not to exceed one in fifteen miles on the average of the whole line, unless said lands shall be required by the government of the United States for railroad or other purposes: *And provided,* That no right to preëempt any of said lands under the laws of the United States shall enure to said company or their agents, or any other person or persons whatsoever.

The United States Telegraph Company may erect lines between the Missouri River and San Francisco, to connect with other lines.

Right of way &c.

Stations.

No right to preëemption.

SEC. 2. *And be it further enacted,* That the said United States Telegraph Company, under the direction of the President of the United States,

Line of telegraph from Fort Hall to Portland, Oregon, &c.

is hereby authorized to erect a line of telegraph from Fort Hall, by Walla Walla and the Dalles and San Francisco to Portland, in the State of Oregon, and from Fort Hall to Bannock and Virginia City, in the Territory of Idaho, with the same privileges as to the right of way, and so forth, as is provided in the first section of this act; the United States to have priority in the use of said lines of telegraph to Oregon and Idaho.

This company may send, &c., despatches over other lines, upon, &c.

SEC. 3. *And be it further enacted*, That the aforesaid company is authorized by this act to send and receive despatches on payment of the regular charges for transmission of despatches over any line that may now or hereafter be constructed by the authority or aid of congress, to connect with any line or lines authorized or erected by the Russian or English governments, and that all despatches received by said line or lines shall be transmitted in the order of their reception, and the answers thereto shall be delivered to said United States Telegraph Company for transmission over their lines to the office whence the original message was sent, whenever so directed by the sender thereof.

Despatches to be transmitted in order of reception.

SEC. 4. *And be it further enacted*, That the several railroad companies authorized by act of congress July one, eighteen hundred and sixty-two, are authorized to enter into arrangements with the United States Telegraph company so that the line of telegraph between the Missouri River and San Francisco may be made upon and along the line of said railroad and branches as fast as said roads and branches are built, and if said arrangements be entered into and the transfer of said telegraph line be made in accordance therewith to the line of said railroads and branches, such transfer shall, for all purposes of the act referred to, be held and considered a fulfilment on the part of said railroad companies of the provision of the act in regard to the construction of a telegraph line; and, in case of disagreement, said telegraph company are authorized to remove their line of telegraph along and upon the line of railroad therein contemplated, without prejudice to the rights of said railroad companies.

Certain railroad companies may make arrangements with this telegraph company.
1862, ch. 120.
Vol. xii. p. 489.

APPROVED, July 2, 1864.

July 2, 1864.

CHAP. CCXXI. — *An Act in Relation to the Sale of Reservations of the Public Lands.*

Minimum price may be fixed for reservations, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any reservation of public lands shall be brought into market under existing laws, it shall be lawful for the commissioner of the general land-office to fix a minimum price, not less than one dollar and twenty-five cents per acre, below which such lands shall not be disposed of.

APPROVED, July 2, 1864.

July 2, 1864.

CHAP. CCXXII. — *An Act relating to the Law of Evidence in the District of Columbia.*

Parties and persons interested may be witnesses in civil suits 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 on the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any court of justice in the District of Columbia, or before any person having by law, or by consent of parties, authority to hear, receive, and examine evidence within said District, the parties thereto, and the persons in whose behalf any such action or other proceeding may be brought or defended, and any and all persons interested in the same, shall, except as hereinafter excepted, be competent and compellable to give evidence, either viva voce or by deposition, according to the practice of the court, on behalf of either or any of the parties to the said action or other proceeding: *Provided*, That nothing herein contained shall render any person who is charged with any offence in any criminal proceeding competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to

Limitations to the rule.

answer any question tending to criminate himself or herself, or shall in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband, or in any proceeding instituted in consequence of adultery; nor shall any husband be compellable to disclose any communication made to him by his wife during the marriage, nor shall any wife be compellable to disclose any communication made to her by her husband during the marriage.

APPROVED, July 2, 1864.

CHAP. CCXXIII.— *An Act authorizing the Erection of Buildings for the Branch-Mint at San Francisco.*

July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of three hundred thousand 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 Secretary of the Treasury, in the purchase of a site, if necessary, and the erection of a suitable building or buildings for the use of the branch-mint at San Francisco, in the State of California.

Appropriation for branch-mint in San Francisco.

APPROVED, July 2, 1864.

CHAP. CCXXIV.— *An Act prescribing the Terms on which Exemplifications shall be furnished by the General Land-Office.*

July 2, 1864.

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 July next, all exemplifications of patents, or papers on file, or of record in the general land-office, which may be required by parties interested, shall be furnished by the commissioner of said office upon the payment by such parties at the rate of fifteen cents per hundred words, and two dollars for copies of township plates or diagrams, with an additional sum of one dollar for the commissioner's certificate of verification with the general land-office seal; and one of the employees of said office shall be designated by the said commissioner as the receiving clerk, and the amounts so received shall, under the direction of the said commissioner, be paid into the treasury of the United States; effect to be given to this act according to such regulations as may be prescribed by the Secretary of the Interior not inconsistent with the laws of the United States: *Provided,* That the fees stipulated in the foregoing provisions shall not apply to such authenticated copies as may be required by the officers of any branch of the government, nor to such unverified copies as the commissioner in his discretion may deem proper to furnish.

Fees for exemplifications of patents, &c., in the general land-office.

Proviso.

APPROVED, July 2, 1864.

CHAP. CCXXV.— *An Act in addition to the several Acts concerning Commercial Inter-course between loyal and insurrectionary States, and to provide for the Collection of captured and abandoned Property, and the Prevention of Frauds in States declared in Insurrection.*

July 2, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sales of captured and abandoned property under the act approved March twelve, eighteen hundred and sixty-three, may be made at such places, in states declared in insurrection, as may be designated by the Secretary of the Treasury, as well as at other places now authorized by said act.

Sales of abandoned, &c., property may be made where. 1863, ch. 120. Vol. xii. p. 820.

SEC. 2. *And be it further enacted,* That, in addition to the captured and abandoned property to be received, collected, and disposed of, as provided in said act, the said agents shall take charge of and lease, for pe-

Abandoned lands, houses,

and tenements,
may be leased.

When property
is to be deemed
abandoned.

Moneys from
leases and sales
to be paid into
the treasury.

Act of 1863,
ch. 120, § 1, ex-
tended.
Vol. xii. p. 820.

1861, ch. 3,
Vol. xii. p. 255.

1862, ch. 195.
Vol. xii. p. 589.

Act of 1863, ch.
12, § 6, amended.
Vol. xii. p. 821.

Property, when
to be deemed
abandoned.

Prohibitions of
act of 1861, ch. 3,
to apply to what.
Vol. xii. p. 256.

What persons
subject to pro-
hibitions.

When parts of
loyal states to be
subject to
prohibitions.

riods not exceeding twelve months, the abandoned lands, houses, and tenements within the districts therein named, and shall also provide, in such leases or otherwise, for the employment and general welfare of all persons within the lines of national military occupation within said insurrectionary states formerly held as slaves, who are or shall become free. Property, real or personal, shall be regarded as abandoned when the lawful owner thereof shall be voluntarily absent therefrom, and engaged, either in arms or otherwise, in aiding or encouraging the rebellion.

SEC. 3. *And be it further enacted*, That all moneys arising from the leasing of abandoned lands, houses, and tenements, or from sales of captured and abandoned property collected and sold in pursuance of said act, or of this act, or from fees collected under the rules and regulations made by the Secretary of the Treasury, and approved by the President, dated respectively the twenty-eighth day of August, eighteen hundred and sixty-two, the thirty-first day of March, and the eleventh day of September, eighteen hundred and sixty-three, or under any amendments or modifications thereof, which have been or shall be made by the Secretary of the Treasury, and approved by the President, for conducting the commercial intercourse which has been or shall be licensed and permitted by the President, with and in states declared in insurrection, shall, after satisfying therefrom all proper and necessary expenses, to be approved by the Secretary of the Treasury, be paid into the treasury of the United States; and all accounts of moneys received or expended in connection therewith shall be audited by the proper accounting officers of the treasury. That the first section of the "Act to provide for the collection of abandoned property and for the prevention of fraud in insurrectionary districts in the United States," approved March twelve, eighteen hundred and sixty-three, is hereby extended so as to include the descriptions of property mentioned in an act entitled "An act further to provide for the collection of duties on imports, and for other purposes," approved July thirteen, eighteen hundred and sixty-one, and an act entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," approved July seventeen, eighteen hundred and sixty-two, respectively; and that the sales provided for in said act first mentioned may be made at such places as may be designated by the Secretary of the Treasury. And section six of said first-mentioned act is hereby amended so as to include every description of property mentioned in the acts of July thirteen, eighteen hundred and sixty-one, and July seventeen, eighteen hundred and sixty-two, aforesaid; and that all property, real or personal, described in the acts to which this is in addition, shall be regarded as abandoned when the lawful owner thereof shall be voluntarily absent therefrom, and engaged, either in arms or otherwise, in aiding or encouraging the rebellion.

SEC. 4. *And be it further enacted*, That the prohibitions and provisions of the act approved July thirteen, eighteen hundred and sixty-one, and of the acts amendatory or supplementary thereto, shall apply to all commercial intercourse by and between persons residing or being within districts within the present or future lines of national military occupation in the states or parts of states declared in insurrection, whether with each other or with persons residing or being within districts declared in insurrection and not within those lines; and that all persons within the United States, not native or naturalized citizens thereof, shall be subject to the same prohibitions, in all commercial intercourse with inhabitants of states or parts of states declared in insurrection, as citizens of loyal states are subject to under the said act or acts.

SEC. 5. *And be it further enacted*, That whenever any part of a loyal state shall be under the control of insurgents, or shall be in dangerous proximity to places under their control, all commercial intercourse therein and therewith shall be subject to the same prohibitions and conditions as

are created by the said acts, as to such intercourse between loyal and insurrectionary states, for such time and to such extent as shall from time to time become necessary to protect the public interests, and be directed by the Secretary of the Treasury, with the approval of the President.

SEC. 6. *And be it further enacted,* That so much of the fifth section of the act approved May twenty, eighteen hundred and sixty-two, and the fourth section of the act approved March twelve, eighteen hundred and sixty-three, as directs the manner of distributing fines, penalties, and forfeitures, is hereby repealed, and that, in lieu of the distribution thereby directed to be made to informers, collectors, and other officers of the customs, the court decreeing condemnation may award such compensation to customs-officers, informers, or other persons, for any service connected therewith, as will tend to promote vigilance in protecting the public interests, and as shall be just and equitable, in no case, however, to exceed the aggregate amount heretofore directed by the said fifth section.

Mode of distribution of fines, forfeitures, &c.
 Repeal of part of 1862, ch. 81, § 5.
 Vol. xii. p. 404.
 1863, ch. 20, § 4.
 Vol. xii. p. 820.

SEC. 7. *And be it further enacted,* That no property seized or taken upon any of the inland waters of the United States by the naval forces thereof, shall be regarded as maritime prize; but all property so seized or taken shall be promptly delivered to the proper officers of the courts, or as provided in this act and in the said act approved March twelve, eighteen hundred and sixty-three.

Property taken on inland waters not to be deemed maritime prize; to be delivered to proper officers.
 1863, ch. 120.
 Vol. xii. p. 820.

SEC. 8. *And be it further enacted,* That it shall be lawful for the Secretary of the Treasury, with the approval of the President, to authorize agents to purchase for the United States any products of states declared in insurrection, at such places therein as shall be designated by him, at such prices as shall be agreed on with the seller, not exceeding the market value thereof at the place of delivery, nor exceeding three fourths of the market-value thereof in the city of New York at the latest quotations known to the agent purchasing: *Provided,* That no part of the purchase-money for any products so purchased shall be paid, or agreed to be paid, out of any other fund than that arising from property sold as captured or abandoned, or purchased and sold under the provisions of this act. All property so purchased shall be forwarded for sale at such place or places as shall be designated by the Secretary of the Treasury, and the moneys arising therefrom, after payment of the purchase-money and the other expenses connected therewith, shall be paid into the treasury of the United States; and the accounts of all moneys so received and paid shall be rendered to, and audited by, the proper accounting officers of the treasury.

Agents to purchase, for the United States, any products of states in insurrection.

Purchase-money to come from what fund.

Disposition of property purchased.

SEC. 9. *And be it further enacted,* That so much of section five of the act of thirteenth of July, eighteen hundred and sixty-one, aforesaid, as authorizes the President, in his discretion, to license or permit commercial relations in any state or section the inhabitants of which are declared in a state of insurrection, is hereby repealed, except so far as may be necessary to authorize supplying the necessities of loyal persons residing in insurrectionary states, within the lines of actual occupation by the military forces of the United States, as indicated by published order of the commanding general of the department or district so occupied; and, also, except so far as may be necessary to authorize persons residing within such lines to bring or send to market in the loyal states any products which they shall have produced with their own labor or the labor of freedmen, or others employed and paid by them, pursuant to rules relating thereto, which may be established under proper authority. And no goods, wares, or merchandise shall be taken into a state declared in insurrection, or transported therein, except to and from such places and to such monthly amounts as shall have been previously agreed upon in writing by the commanding general of the department in which such places are situated and an officer designated by the Secretary of the Treasury for that purpose.

Authority to license commercial relations with states in insurrection repealed, except, &c.
 1861, ch. 3, § 5.
 Vol. xii. p. 257.

SEC. 10. *And be it further enacted,* That all officers and privates of

Officers and men in land and naval service prohibited from dealing in captured, &c. property.

Penalty for so doing, &c.

1861, ch. 3, § 5.
Vol. xii. p. 257.

Investigations to prevent frauds and abuses.

Attendance of witnesses.

Rules and regulations in this matter.

the regular and volunteer forces of the United States, and all officers, sailors, and marines in the naval service, are hereby prohibited from buying or selling, trading, or in any way dealing in the kind or description of property mentioned in this act, and the act to which this is in addition, whereby to receive or expect any profit, benefit, or advantage to himself, or any other person, directly or indirectly connected with him; and it shall be the duty of such officer, private, sailor, or marine, when such property shall come into his possession or custody, or within his control, to give notice thereof to some agent, appointed by virtue of this act, and to turn the same over to such agent without delay: any officer of the United States, civil, military, or naval, or any sutler, soldier, marine, or other person, who shall violate any provision of this act, or who shall take, or cause to be taken, into a state declared to be in insurrection, or to any other point to be thence taken into such state, or who shall transport or sell, or otherwise dispose of therein, any goods, wares, or merchandise whatsoever, except in pursuance of license and authority of the President, as provided in said fifth section of the act of July thirteen, eighteen hundred and sixty-one, aforesaid, and any officer or other person aforesaid who shall make any false statement or representation upon which license and authority shall be granted for such transportation, sale, or other disposition, and any officer or other person aforesaid who shall, under any license or authority obtained, wilfully and knowingly transport, sell, or otherwise dispose of, any other goods, wares, or merchandise than such as are in good faith so licensed and authorized, or shall wilfully and knowingly transport, sell, or dispose of the same, or any portion thereof, in violation of the terms of such license or authority, or of any rule or regulation prescribed by the Secretary of the Treasury concerning the same, or shall be guilty of any act of embezzlement, of wilful misappropriation of public or private money or property, of keeping false accounts, or of wilfully making any false returns, or of any other act amounting to a felony, shall be liable to indictment as for a misdemeanor, and fine not exceeding five thousand dollars, and to punishment in the penitentiary not exceeding three years, before any court, civil or military, competent to try the same. And it shall be the duty of the Secretary of the Treasury, from time to time, to institute such investigations as may be necessary to detect and prevent frauds and abuses in the trade and other transactions contemplated by this act, or by the acts to which this is supplementary. And the agents making such investigations shall have power to compel the attendance of witnesses, and to make examinations on oath.

SEC. 11. *And be it further enacted*, That the Secretary of the Treasury, with the approval of the President, shall make such rules and regulations as are necessary to secure the proper and economical execution of the provisions of this act, and shall defray all expenses of such execution from the proceeds of fees imposed by said rules and regulations, of sales of captured and abandoned property, and of sales hereinbefore authorized.

APPROVED, July 2, 1864.

July 2, 1864.

CHAP. CCXXVI. — *An Act providing for satisfying Claims for Bounty Lands, and for other Purposes.*

Claims for bounty lands.
1842, ch. 69.
Vol. v. p. 497.

1835, ch. 6, 7.
Vol. ix. p. 749.

1848, ch. 74.
Vol. ix. p. 240.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to provide for satisfying claims for bounty lands for military services in the late war with Great Britain, and for other purposes," approved July twenty-seventh, in the year one thousand eight hundred and forty-two, and the two acts approved January twenty-seventh, in the year one thousand eight hundred and thirty-five, therein and thereby revived, and also the two acts to the same intent and purpose, respectively approved the twenty-sixth day of June, in the year eighteen hundred and forty-eight,

and the eighth day of February, in the year eighteen hundred and fifty-four, be, and the same are hereby, renewed and continued in force and effect, without restriction or limitation as to the time of location of said warrants issued in virtue thereof.

1854, ch. 10.
Vol. x. p. 267.

SEC. 2. *And be it further enacted*, That all warrants for bounty lands heretofore issued in virtue of any of the several acts hereinbefore named, may be located at any time subsequent to the passage of this act, in conformity with the general laws in force at the time of such location; and that all entries and locations heretofore made with such warrants shall be as valid and effectual as if the several acts aforesaid had not expired at the time of such entry and location, any law to the contrary notwithstanding.

Warrants already issued may be located hereafter.

Former entries confirmed.

SEC. 3. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be, and the same are hereby, repealed.

Repealing clause.

APPROVED, July 2, 1864.

CHAP. CCXXXVII.—*An Act further to regulate and provide for the enrolling and calling out the National Forces, and for other Purposes.*

July 4, 1864.

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, at his discretion, at any time hereafter call for any number of men as volunteers for the respective terms of one, two, and three years for military service; and any such volunteer, or, in case of draft, as hereinafter provided, any substitute, shall be credited to the town, township, ward of a city, precinct, or election district, or of a county not so subdivided, towards the quota of which he may have volunteered or engaged as a substitute; and every volunteer who is accepted and mustered into the service for a term of one year, unless sooner discharged, shall receive, and be paid by the United States, a bounty of one hundred dollars; and if for a term of two years, unless sooner discharged, a bounty of two hundred dollars; and if for a term of three years, unless sooner discharged, a bounty of three hundred dollars; one third of which bounty shall be paid to the soldier at the time of his being mustered into the service, one third at the expiration of one half of his term of service, and one third at the expiration of his term of service; and in case of his death while in service, the residue of his bounty unpaid shall be paid to his widow, if he shall have left a widow; if not, to his children, or if there be none, to his mother, if she be a widow.

The President may call for any number of volunteers for one, two, or three years.

Volunteers or substitutes, how to be credited.

Bounty;

how paid in case of death.

SEC. 2. *And be it further enacted*, That in case the quota, or any part thereof, of any town, township, ward of a city, precinct, or election district, or of any county not so subdivided, shall not be filled within the space of fifty days after such call, then the President shall immediately order a draft for one year to fill such quota, or any part thereof, which may be unfilled; and in case of any such draft no payment of money shall be accepted or received by the government as commutation to release any enrolled or drafted man from personal obligation to perform military service.

If quota is not filled within fifty days after the call, draft to be ordered.

No commutation allowed.

SEC. 3. *And be it further enacted*, That it shall be lawful for the executive of any of the states to send recruiting agents into any of the states declared to be in rebellion, except the states of Arkansas, Tennessee, and Louisiana, to recruit volunteers under any call under the provisions of this act, who shall be credited to the state, and to the respective subdivisions thereof, which may procure the enlistment.

Recruiting by executives of states allowed in states declared to be in rebellion, except, &c. [Repealed, *Post*, p. 491.]

SEC. 4. *And be it further enacted*, That drafted men, substitutes, and volunteers, when mustered in, shall be organized in, or assigned to, regiments, batteries, or other organizations of their own states, and, as far as practicable, shall, when assigned, be permitted to select their own regi-

Organization of drafted men.

ments, batteries, or other organizations from among those of their respective states which at the time of assignment may not be filled to their maximum number.

Discharge of minors.
Construction of act 1864, ch. 13, § 20.

Ante, p. 10.
1863, ch. 75.
Vol. xii. p. 731.

Persons enlisted under sixteen to be discharged.

Penalty for knowingly enlisting such persons.

Draft to be made for 100 per cent. more than quota.

1864, ch. 13, § 3.
Ante, p. 6.

Transportation to and from rendezvous.

Certain persons in naval service, &c., to be credited.

Persons absent from home when drafted to be notified.

Not to be deemed a deserter until, &c.

Act of 1864, ch. § 17, not altered.
Ante, p. 9.

Substitutes may be furnished.

SEC. 5. *And be it further enacted*, That the twentieth section of the act entitled, "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes,'" approved February twenty-four, eighteen hundred and sixty-four, shall be construed to mean that the Secretary of War shall discharge minors under the age of eighteen years under the circumstances and on the conditions prescribed in said section; and hereafter, if any officer of the United States shall enlist or muster into the military service any person under the age of sixteen years, with or without the consent of his parent or guardian, such person so enlisted or recruited shall be immediately discharged upon repayment of all bounties received; and such recruiting or mustering officer who shall knowingly enlist any person under sixteen years of age, shall be dismissed the service, with forfeiture of all pay and allowances, and shall be subject to such further punishment as a court-martial may direct.

SEC. 6. *And be it further enacted*, That section three of an act entitled "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes,'" approved February twenty-four, eighteen hundred and sixty-four, be, and the same is hereby, amended, so as to authorize and direct district provost-marshals, under the direction of the provost-marshal general, to make a draft for one hundred per centum in addition to the number required to fill the quota of any district as provided by said section.

SEC. 7. *And be it further enacted*, That instead of travelling pay, all drafted persons reporting at the place of rendezvous shall be allowed transportation from their places of residence; and persons discharged at the place of rendezvous shall be allowed transportation to their places of residence.

SEC. 8. *And be it further enacted*, That all persons in the naval service of the United States who have entered said service during the present rebellion, who have not been credited to the quota of any town, district, ward, or state, by reason of their being in said service and not enrolled prior to February twenty-fourth, eighteen hundred and sixty-four, shall be enrolled and credited to the quotas of the town, ward, district, or state, in which they respectively reside, upon satisfactory proof of their residence made to the Secretary of War.

SEC. 9. *And be it further enacted*, That, if any person duly drafted shall be absent from home in prosecution of his usual business, the provost-marshal of the district shall cause him to be duly notified as soon as may be, and he shall not be deemed a deserter, nor liable as such, until notice has been given to him, and reasonable time allowed for him to return and report to the provost-marshal of his district; but such absence shall not otherwise affect his liability under this act.

SEC. 10. *And be it further enacted*, That nothing contained in this act shall be construed to alter, or in any way affect, the provisions of the seventeenth section of an act approved February twenty-fourth, eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes,'" approved March third, eighteen hundred and sixty-three.

SEC. 11. *And be it further enacted*, That nothing contained in this act, shall be construed to alter or change the provisions of existing laws relative to permitting persons liable to military service to furnish substitutes.

APPROVED, July 4, 1864.

CHAP. CCXXXVIII. — *An Act to repeal a Joint Resolution entitled "Joint Resolution to grant additional Rooms to the Agricultural Department," and for other Purposes.*

July 4, 1864.
Pub. Res. No. 63.
Post, p. 415.
Resolution granting rooms to the agricultural department repealed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint resolution to grant additional rooms to the agricultural department," be, and the same is hereby, repealed.

SEC. 2. *And be it further enacted,* That the Secretary of the Interior be, and he is hereby, authorized and directed to assign for the temporary use of the commissioner of agriculture such rooms in the Interior Department suitable for the business of said commissioner, and necessary to enable him to perform efficiently the business of said office, as can be so appropriated with the least inconvenience to the transaction of other public business.

Rooms for the commissioner of agriculture.

SEC. 3. *And be it further enacted,* That the commissioner of agriculture is authorized to rent suitable rooms for the accommodation of his office, and to make necessary improvements, and to pay the rent of the same for one year, the sum of three thousand five hundred dollars is hereby appropriated out of any money in the treasury not otherwise appropriated: *Provided,* Such rooms shall not be rented for a period longer than three years.

Commissioner may rent suitable rooms for his office.
Appropriation for rent.
Proviso.

APPROVED, July 4, 1864.

CHAP. CCXXXIX. — *An Act making an Appropriation to carry into Effect "An Act to prevent Smuggling."*

July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of fifteen thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to enable the Secretary of the Treasury to carry into effect an act entitled "An act to prevent smuggling, and for other purposes," passed at the present session of congress.

Appropriation to prevent smuggling.
1864, ch. 164.
Ante, p. 197.

APPROVED, July 4, 1864.

CHAP. CCXL. — *An Act to restrict the Jurisdiction of the Court of Claims, and to provide for the Payment of certain Demands for Quartermasters' Stores and Subsistence Supplies furnished to the Army of the United States.*

July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the jurisdiction of the court of claims shall not extend to or include any claim against the United States growing out of the destruction or appropriation of, or damage to, property by the army or navy, or any part of the army or navy, engaged in the suppression of the rebellion, from the commencement to the close thereof.

Jurisdiction of court of claims not to extend to certain claims.

SEC. 2. *And be it further enacted,* That all claims of loyal citizens in states not in rebellion, for quartermasters' stores actually furnished to the army of the United States, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the quartermaster-general of the United States, accompanied with such proofs as each claimant can present of the facts in his case; and it shall be the duty of the quartermaster-general to cause such claim to be examined, and, if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of and used by said army, then to report each case to the third auditor of the treasury, with a recommendation for settlement.

Claims of certain loyal citizens for quartermasters' stores, how to be settled.

SEC. 3. *And be it further enacted,* That all claims of loyal citizens in states not in rebellion, for subsistence actually furnished to said army, and receipted for by the proper officer receiving the same, or which may have

Claims of certain loyal citizens for subsistence furnished

to the army, how
to be settled.

been taken by such officers without giving such receipt, may be submitted to the commissary-general of subsistence, accompanied with such proof as each claimant may have to offer; and it shall be the duty of the commissary-general of subsistence to cause each claim to be examined, and, if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of, and used by said army, then to report each case for payment to the third auditor of the treasury with a recommendation for settlement.

APPROVED, July 4, 1864

July 4, 1864.

CHAP. CCXLI. — *An Act to correct a clerical Error in the Law of June thirtieth, eighteen hundred and sixty-four, relating to the Post-Office Department.*

Part of act of
1864, ch. 197, § 16,
repealing portion
of former act,
repealed.

Ante, p. 339.

1863, ch. 71.

Vol. xii. p. 701.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act of *thirtieth June*, [first of July] eighteen hundred sixty-four, as repeals the seven-teenth, eighteenth, *thirty-fifth*, *thirty-ninth*, and *forty-first* sections of the act of March third, eighteen hundred and sixty-three, entitled "An act to amend the laws relating to the Post-Office Department," be, and the same is hereby, repealed.

APPROVED, July 4, 1864.

July 4, 1864.

CHAP. CCXLII. — *An Act to establish a Branch Mint of the United States at Dalles City, in the State of Oregon.*

Branch mint
established at
Dalles City,
Oregon.

Officers of the
branch mint.

Clerks, work-
men, &c.

Salaries.

Officers, &c., to
take oath.

Branch to be
under the control,
&c., of the direc-
tor of the mint.

Rules and regu-
lations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a branch of the mint of the United States be located and established at Dalles City, in the State of Oregon, for the coinage of gold and silver.

SEC. 2. *And be it further enacted*, That, for carrying on the business of the said branch, the following officers shall be appointed, as soon as the public interest shall require their service, upon the nomination of the President, by and with the advice and consent of the Senate, namely: one superintendent, one assayer, and one melter and refiner, and one coiner; and the superintendent shall employ as many clerks, subordinate workmen and laborers, under the direction of the Secretary of the Treasury, as may be required. The salaries of the said officers and clerks shall be as follows: To the superintendent, the sum of two thousand dollars; to the assayer, the sum of eighteen hundred dollars; to the melter and refiner, eighteen hundred dollars; to the clerks, subordinate workmen, and laborers, such wages and allowances as are customary, according to their respective stations and occupations.

SEC. 3. *And be it further enacted*, That the officers and clerks to be appointed under this act, before entering upon the execution of their offices, shall take an oath or affirmation before some judge of the United States or of the supreme court of said state, faithfully and diligently to perform the duties of their offices, and shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the director of the mint or the district judge of the United States for the district of Oregon and of the Secretary of the Treasury, with the condition of the faithful performance of the duties of their offices.

SEC. 4. *And be it further enacted*, That the general direction of the business of said branch mint of the United States shall be under the control and regulation of the director of the mint at Philadelphia, subject to the approbation of the Secretary of the Treasury; and for that purpose it shall be the duty of the said director to prescribe such regulations, and to require such returns, periodically and occasionally, and to establish such charges for parting, assaying, refining, and coining, as shall appear to him to be necessary for the purpose of carrying into effect the

intention of this act in establishing said branch, also for the purpose of preserving uniformity of weight, form, and finish in the coin stamped at said branch.

SEC. 5. *And be it further enacted*, That said branch mint shall be a place of deposit for such public moneys as the Secretary of the Treasury may direct. And the superintendent of said branch mint, who shall perform the duties of treasurer thereof, shall have the custody of the same, and also perform the duties of assistant treasurer; and for that purpose shall be subject to all the provisions contained in an act entitled "An act to provide for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August six, eighteen hundred and forty-six, which relates to the treasury of the branch mint at New Orleans.

Branch mint to be a place of deposit for public moneys. Superintendent to be assistant treasurer.

1846, ch. 90. Vol. ix. p. 59.

SEC. 6. *And be it further enacted*, That the superintendent of said branch mint be authorized, under the direction of the Secretary of the Treasury, and on terms to be prescribed by him, to issue in the payment of the gold dust and bullion deposited for assay and coinage, or bars, drafts, or certificates of deposit, payable at the treasury, or any sub-treasury of the United States, to any depositor electing to receive payment in that form.

Certificates of deposit may be paid for gold dust and bullion.

SEC. 7. *And be it further enacted*, That all the laws and parts of laws now in force for the regulation of the mint of the United States, and for the government of the officers and persons employed therein, and for the punishment of all offences connected with the mint or coinage of the United States, shall be, and they are hereby, declared to be in full force in relation to the branch of the mint by this act established, as far as the same may be applicable thereto.

Laws for regulation of mint, &c., to apply to this branch.

SEC. 8. *And be it further enacted*, That the sum of one hundred thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to carry into effect the provisions of this act, and to meet the expenses of the current year, and for the fiscal year ending the thirtieth day of June, 1865.

Appropriation to carry act into effect.

APPROVED, July 4, 1864.

CHAP. CCXLIII. — *An Act to regulate Proceedings in Cases between Landlord and Tenants in the District of Columbia.*

July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a tenancy at will shall not arise or be created without an express contract or letting to that effect, and that all occupation, possession, or holding of any messuage or real estate without express contract or lease, or by such contract or lease the terms of which have expired, shall be deemed and held to be tenancies by sufferance; and all estates at will and sufferance may be determined by a notice, in writing, to quit, of thirty days, delivered to the tenant in hand, or to some person of proper age upon the premises, or in the absence of such tenant or person, then such notice may be served by affixing the same to a conspicuous part of the premises, where it may be conveniently read. The attornment of a tenant to a stranger shall be void, and shall not affect the rights of the landlord, unless it be made with the consent, express or implied, of the landlord: *Provided*, That no part of this section other than that which relates to attornment of a tenant to a stranger shall apply to contracts made, or to any tenancy existing prior to the passage of this act, except in cases of waste, or refusal to pay rent.

Tenancy at will and by sufferance;

may be determined by what notice, and how served.

SEC. 2. *And be it further enacted*, That when forcible entry is made, or when a peaceable entry is made and the possession unlawfully held by force, or when possession is held without right, after the estate is determined by the terms of the lease by its own limitation, or by notice to quit, or otherwise, on written complaint on oath of the person entitled to the

In cases of forcible entry, or detainer, &c.

Summons to issue, &c.

premises, to a justice of the peace, charging a forcible entry or detainer of real estate as aforesaid, a summons may be issued to a proper officer, commanding the person complained of to appear and show cause why judgment should not be rendered against him, which shall be served like other writs of summons at least seven days before his appearance. If it appears by default or upon trial that the complainant is entitled to the possession of the premises, he shall have judgment and execution for the possession and costs; if the complainant becomes nonsuit and fails to prove his right to possession, the defendant shall have judgment and execution for his costs.

Proceedings if at trial defendant pleads title.

SEC. 3. *And be it further enacted*, That if, upon trial, defendant pleads title to the premises in himself, or in another person under whom he claims the premises, he shall recognize in a reasonable sum to the complainant, to be fixed by said justice, with sufficient sureties, conditioned to pay all intervening damages and costs and reasonable intervening rent for the premises; and the complainant shall in like manner recognize to the defendant conditioned to enter the suit at the next term of the supreme court of the district, and pay all costs adjudged against him; and thereupon the proceedings shall be certified to said court by the justice. If either party neglects so to recognize, judgment shall be rendered against him as on nonsuit or default, and execution shall issue accordingly as aforesaid.

Appeals, and how tried.

SEC. 4. *And be it further enacted*, That either party against which judgment is rendered by a justice of the peace, may appeal from such judgment to the supreme court of the District of Columbia, in the same manner as appeals are taken to the said court in other cases; but in case of an appeal by a defendant, he shall, in addition to the bail required in other cases, recognize in a reasonable sum to the complainant, to be fixed by said justice, with sufficient sureties, conditioned to pay all intervening damages to the leased property resulting from waste and intervening rent for the premises; and such appeals shall be tried in the same manner and further proceedings had therein according to the practice in appeals in other cases in said court.

If defendant appeals, in addition to other bail, he must recognize to pay intervening damages.

Damages for complainant, if, &c.

SEC. 5. *And be it further enacted*, That on the trial of said suit in the supreme court of the district, if the jury find for complainant, they shall assess the damages and intervening rent; and in case of default the same shall be assessed by the court.

Fees of justice and officer.

SEC. 6. *And be it further enacted*, That the fees of the justice issuing the process, and hearing the issue, and making up the record, and certifying the same, and the officer for serving the process, shall be those allowed in civil causes.

Repeal of inconsistent acts.

SEC. 7. *And be it further enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

APPROVED, July 4, 1864.

July 4, 1864.

CHAP. CCXLIV. — *An Act to provide for the Supervision, Repairs, Liabilities, and Completion of the Washington Aqueduct.*

Appropriation for dam, &c., for Washington aqueduct.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred and fifty thousand dollars be, and the same is, hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of constructing the dam of solid masonry across the Maryland branch of the Potomac River, near the Great Falls, and for constructing the conduit around the Receiving *Reservoir* [Reservoir], and for paying existing liabilities and expenses, engineering, superintendence, and repairs of said aqueduct.

APPROVED, July 4, 1864.

CHAP. CCXLV. — *An Act to regulate the Sessions of the Circuit and District Courts for the Northern District of New York, and for other Purposes.* July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That instead of the times now fixed by law for holding district courts of the United States for the northern district of New York, the said court shall hereafter be held at the following times and places, that is to say, at the city of Albany on the third Tuesday of January; at the city of Utica on the third Tuesday in March; at the city of Rochester on the second Tuesday in May; at the city of Buffalo on the third Tuesday in August; at the city of Auburn on the third Tuesday in November; and, in the discretion of the judge of said court, one term annually at such time and in such place, within the counties of St. Lawrence, Clinton, Jefferson, Oswego, or Franklin, as the judge of said district shall from time to time appoint, by a notice of at least twenty days, to be published in the state paper of the State of New York, and also in one newspaper published at the place where the said court is to be held, which term shall be held only for the trial of issues of fact arising within the said counties; but nothing herein contained shall prevent the judge of said court from holding special terms thereof at the places above specified, or at any other places in said district, in addition to said regular terms, he shall deem necessary.

Times and places of holding district courts in the northern district of New York.

SEC. 2. *And be it further enacted,* That instead of the times and places now provided by law for holding the terms of the circuit court of the United States for the northern district of New York, the said circuit court shall be held at the times and places following, that is to say: at the village of Canandaigua on the third Tuesday in June, at the city of Albany on the second Tuesday in October; and the term of said court appointed by this act to be held at the city of Albany in October shall, when it is adjourned, be adjourned to meet in the city of Albany the third Tuesday in January, and that the adjournment of said adjourned term shall be further adjourned to meet at the city of Utica on the third Tuesday in March, and the said adjourned term shall be held for the transaction of civil business only; and no jury shall be drawn for service therein exclusively, but the jury drawn to serve in the district court at the same time and place of the said adjourned terms of said circuit shall be used for the trial of issues of fact arising in civil causes in said circuit court, and the verdicts of said jury and all proceedings upon the trial of said issues shall be as valid and of the same effect as if the said jury had been drawn to serve in the said circuit court.

Times and places of holding circuit court in the northern district of New York.

SEC. 3. *And be it further enacted,* That no process issued or proceedings pending in either of said courts shall be avoided or impaired by the change of time and place of holding such court; but all process, bail bonds, and recognizances returnable at the next term of either of said courts, shall be returnable and returned to the said court next held according to this act, in the same manner as if so made returnable on the face thereof, and shall have full effect accordingly; and all continuances may be made to conform to the provisions of this act.

Pending process in other court not avoided or impaired.

SEC. 4. *And be it further enacted,* That in place and in lieu of the salary now paid to the judge of the district court of the United States for the northern district of New York, there shall be allowed and paid quarterly to said judge, out of the treasury of the United States, the sum of three thousand five hundred dollars per year.

Salary of judge.

APPROVED, July 4, 1864.

CHAP. CCXLVI. — *An Act to encourage Immigration.*

July 4, 1864.

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

Commissioner of immigration to be appointed.

Term of office and salary.

Clerks.

Contracts by emigrants pledging their wages to repay expenses of emigration valid, and may be enforced.

Advances may, if, &c., be a lien upon land after acquired by the emigrant.

No emigrant to be enrolled for military service, unless, &c.

'Emigrant office to be established in New York.

Superintendent of immigration.

Salary.

Clerk.

Powers and duties of superintendent.

Certain persons not to be officers under this act.

United States is hereby authorized, by and with the advice and consent of the Senate, to appoint a commissioner of immigration, who shall be subject to the direction of the Department of State, shall hold his office for four years, and shall receive a salary at the rate of two thousand five hundred dollars a year. The said commissioner may employ not more than three clerks, of such grade as the Secretary of State shall designate, to be appointed by him, with the approval of the Secretary of State, and to hold their offices at his pleasure.

SEC. 2. *And be it further enacted*, That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner, whereby emigrants shall pledge the wages of their labor for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may be enforced in the courts of the United States, or of the several states and territories; and such advances, if so stipulated in the contract, and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated, or on property otherwise acquired until liquidated by the emigrant; but nothing herein contained shall be deemed to authorize any contract contravening the Constitution of the United States, or creating in any way the relation of slavery or servitude.

SEC. 3. *And be it further enacted*, That no emigrant to the United States who shall arrive after the passage of this act shall be compulsively enrolled for military service during the existing insurrection, unless such emigrant shall voluntarily renounce under oath his allegiance to the country of his birth, and declare his intention to become a citizen of the United States.

SEC. 4. *And be it further enacted*, That there shall be established in the city of New York an office to be known as the United States Emigrant Office; and there shall be appointed, by and with the advice and consent of the Senate, an officer for said city, to be known as superintendent of immigration, at an annual salary of two thousand dollars; and the said superintendent may employ a clerk of the first class; and such superintendent shall, under the direction of the commissioner of immigration, make contracts with the different railroads and transportation companies of the United States for transportation tickets, to be furnished to such immigrants, and to be paid for by them, and shall, under such rules as may be prescribed by the commissioner of immigration, protect such immigrants from imposition and fraud, and shall furnish them such information and facilities as will enable them to proceed in the cheapest and most expeditious manner to the place of their destination. And such superintendent of immigration shall perform such other duties as may be prescribed by the commissioner of immigration: *Provided*, That the duties hereby imposed upon the superintendent in the city of New York shall not be held to effect the powers and duties of the commissioner of immigration of the State of New York; and it shall be the duty of said superintendent in the city of New York to see that the provisions of the act commonly known as the passenger act are strictly complied with, and all breaches thereof punished according to law.

SEC. 5. *And be it further enacted*, That no person shall be qualified to fill any office under this act who shall be directly or indirectly interested in any corporation having lands for sale to immigrants, or in the carrying or transportation of immigrants, either from foreign countries to the United States and its territories, or to any part thereof, or who shall receive any fee or reward, or the promise thereof, for any service performed, or any benefit rendered; to any person or persons in the line of his duty under this act. And if any officer provided for by this act shall receive from any person or company any fee or reward, or promise thereof,

for any services performed or any benefit rendered to any person or persons in the line of his duty under this act, he shall, upon conviction, be fined one thousand dollars, or be imprisoned, not to exceed three years, at the discretion of a court of competent jurisdiction, and forever after be ineligible to hold any office of honor, trust, or profit in the United States.

Penalty on officer receiving any fee, &c., for official services.

SEC. 7. *And be it further enacted,* That said commissioner of immigration shall, at the commencement of each annual meeting of congress, submit a detailed report of the foreign immigration during the preceding year, and a detailed account of all expenditures under this act.

Report to congress, &c.

SEC. 8. *And be it further enacted,* That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, in the judgment of the President, is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of carrying the provisions of this act into effect.

Appropriation to carry act into effect.

APPROVED, July 4, 1864.

CHAP. CCXLVII. — *An Act supplementary to an Act entitled "An Act to grant Pensions," approved July fourteenth, eighteen hundred and sixty-two.*

July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the biennial examinations of pensioners required by an act approved March three, eighteen hundred and fifty-nine, may be made by one surgeon only, provided he is a surgeon of the army or navy, or an examining surgeon duly appointed by the commissioner of pensions; nor shall the biennial certificate of two unappointed civil surgeons be accepted in any case, except upon satisfactory evidence that an examination by a commissioned or duly appointed surgeon is impracticable.

1862, ch. 166.
Vol. xii. p. 566.
Biennial examinations of pensioners, how may be made.
1859, ch. 88, § 2.
Vol. xi. p. 439.

SEC. 2. *And be it further enacted,* That all fees paid to examining surgeons for biennial examinations, or for examinations specially ordered, as provided by the eighth section of the act to grant pensions, approved July fourteenth, eighteen hundred and sixty-two, shall be refunded by the agent for paying pensions in the district within which the pensioner or claimant resides, out of any money appropriated for the payment of pensions, under such regulations as the commissioner of pensions may prescribe.

Fees paid surgeons for biennial examinations to be refunded.
1862, ch. 166, § 8.
Vol. xi. p. 563.

SEC. 3. *And be it further enacted,* That declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, said officer being hereby fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided,* That the commissioner of pensions may designate, in localities more than twenty-five miles distant from any place at which such a court is holden, persons duly qualified to administer oaths, before whom declarations may be made and testimony taken.

Declarations of pension claimants to be made before court of record.

Proviso.

SEC. 4. *And be it further enacted,* That section twelve of the act to grant pensions, approved July fourteen, eighteen hundred and sixty-two, is hereby repealed; and the commissioner of pensions is authorized and empowered to detail, from time to time, clerks in his office to investigate suspected attempts at fraud on the government through the pension-office, and to aid in prosecuting any persons so offending, with such additional compensation as is customary in cases of special service.

Section 12 of act of 1862, ch. 166, repealed.
Vol. xii. p. 569.
Clerks to investigate suspected attempts to defraud.

SEC. 5. *And be it further enacted,* That all persons now by law entitled to a less pension than hereafter specified, who shall have lost both feet in the military service of the United States and in the line of duty, shall be entitled to a pension of twenty dollars per month; and those who under the same conditions have lost both hands or both eyes shall be entitled to a pension of twenty-five dollars per month.

Pensions to those who have lost both feet; both hands or eyes.

SEC. 6. *And be it further enacted,* That no pension claim now on file,

Pension claims on file, and those hereafter filed, to be prosecuted within what time.

unless prosecuted to a successful issue within three years from the passage of this act, and no claim hereafter filed, not thus prosecuted to a successful issue within five years from the date of such filing, shall be admitted without satisfactory record evidence from the War Department to establish the same; and in every case in which a claim for pension shall have been filed for more than three years after the discharge or decease of the party on whose account the claim is made, the pension, if allowed, shall commence from the date of filing the last paper in said case by the party prosecuting the same.

Pension to widow to terminate upon her remarriage, &c.

SEC. 7. *And be it further enacted*, That on the remarriage of any widow receiving a pension, such pension shall terminate, and shall not be renewed should she again become a widow.

Examining surgeons may be required to make special examinations of pensioners.

SEC. 8. *And be it further enacted*, That examining surgeons, duly appointed by the commissioner of pensions, may be required by him, from time to time, as he shall deem for the interests of the government, to make special examinations of pensioners on the rolls of their respective districts, and such examinations shall have precedence over previous examinations, whether special or biennial. But when injustice is alleged to have been done by any examination so ordered, the commissioner of pensions may, at his discretion, select a board of three duly appointed examining surgeons, who shall meet at a place to be designated by him, and shall review such cases as may be ordered before them on appeal from any special examination as aforesaid, and the decision of such board shall be final on the question so submitted thereto. The compensation of all such surgeons shall not exceed that which has been customarily allowed in such cases, and shall be paid out of any appropriations made for the payment of pensions, in the same manner as the ordinary fees of appointed surgeons are or may be authorized to be paid.

Examining board.

Pay.

Volunteers, not enlisted, disabled by wounds, to have benefits of pension laws.

SEC. 9. *And be it further enacted*, That those persons, not enlisted soldiers in the army, who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or where persons otherwise volunteered and rendered service in any engagement with rebels or Indians since the fourth day of March, eighteen hundred and sixty-one, shall, if they have been disabled in consequence of wounds received in battle, in such temporary service, be entitled to the same benefits of the pension laws as those who have been regularly mustered into the United States service. And the widows, or other dependents, of any such persons as may have been killed in the temporary service aforesaid shall be entitled to pensions in the same manner as they would have been had such persons been regularly mustered: *Provided*, That no claim under this section shall be valid unless presented and prosecuted to a successful issue within three years from and after the passage of this act. All such claims shall be adjudicated under such special rules and regulations as the commissioner of pensions may prescribe, most effectually to guard against fraud.

Their widows and dependents.

Claims to be presented within three years.

Any person entitled to an invalid pension, and dying while application is pending, his widow, &c., to receive it.

1862, ch. 166.
Vol. xii. p. 566.

Post, p. 500.

SEC. 10. *And be it further enacted*, That if any person entitled to an invalid pension under the provisions of the act granting pensions, approved July fourteen, eighteen hundred and sixty-two, has died, or shall hereafter die, while an application for such pension is pending, and having a widow or dependent relative entitled to receive a pension by reason of his service and death, as provided in said act, then the pension to such widow or other person shall commence from the date at which the decedent's invalid pension would have commenced had he survived, subject to the conditions of this act, and the act to which this is amendatory.

Enlisted soldiers, disabled, to have benefit of pension laws, though not mustered in.

SEC. 11. *And be it further enacted*, That all enlisted soldiers in the army who shall have become disabled in the service, whether they shall have been regularly mustered in or not, shall be entitled to the same benefits of the pension laws as those who have been regularly mustered

into the United States service; and the widows or other dependents entitled to pensions by law, as prescribed by the act of July fourteen, eighteen hundred and sixty-two, of any such soldier who may have been killed, or shall have died, or shall hereafter die, by reason of any wound received or disease contracted while in said service and in the line of duty, shall be entitled to the same pension as though such soldier had been regularly mustered into the service.

Their widows and dependents.

SEC. 12. *And be it further enacted,* That the fees of agents and attorneys for making out and causing to be executed the papers necessary to establish a claim for a pension, bounty, and other allowance before the pension-office, under this act, shall not exceed the following rates: For making out and causing to be duly executed a declaration by the applicant, with the necessary affidavits, and forwarding the same to the pension-office, with the requisite correspondence, ten dollars; which sum shall be received by such agent or attorney in full for all services in obtaining such pension, and shall not be demanded or received in whole or in part until such pension shall be obtained; and the sixth and seventh sections of an act entitled "An act to grant pensions," approved July fourteenth, eighteen hundred and sixty-two, are hereby repealed.

Fees of pension agents and attorneys not to exceed, &c.

SEC. 13. *And be it further enacted,* That any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act than is prescribed in the preceding section of this act, or who shall contract, or agree to prosecute, any claim for a pension, bounty, or other allowance, under this act, on the condition that he shall receive a per centum upon any portion of the amount of such claim, or who shall wrongfully withhold from a pensioner or other claimant the whole or any part of the pension or claim allowed and due to such pensioner or claimant, shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned at hard labor not exceeding two years, or both, according to the circumstances and aggravations of the offence.

Repeal of §§ 6, 7, act 1862, ch. 166.
Vol. xii. p. 568.
Penalty upon agent, &c., who shall receive greater fees, &c.

SEC. 14. *And be it further enacted,* That the widows and children of colored soldiers who have been, or who may be hereafter, killed, or who have died, or may hereafter die, of wounds received in battle, or who have died, or may hereafter die, of disease contracted in the military service of the United States, and in the line of duty, shall be entitled to receive the pensions now provided by law, without other proof of marriage than that the parties had habitually recognized each other as man and wife, and lived together as such for a definite period next preceeding the soldier's enlistment, not less than two years, to be shown by the affidavits of credible witnesses: *Provided, however,* That such widow and children are free persons: *Provided, further,* That if such parties resided in any state in which their marriage may have been legally solemnized, the usual evidence shall be required.

Widows, &c., of colored soldiers may receive pensions upon what proof of marriage.

SEC. 15. *And be it further enacted,* That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Marriage, when to be proved as usual.

Repeal of inconsistent laws.

APPROVED, July 4, 1864.

CHAP. CCXLVIII. — *An Act for the Relief of Seamen and Others borne on the Books of Vessels wrecked or lost in the Naval Service.*

July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby, authorized, under the direction of the Secretary of the Navy, in settling the accounts of seamen, and others, not officers, borne on the books of any vessel in the navy, which shall have been wrecked, or which shall have been unheard from so long that her wreck may be presumed, or which shall have been de-

Day when the loss of a missing vessel of the navy shall be deemed to have occurred how may be determined.

stroyed or lost, with the rolls and papers necessary to a regular and exact settlement of such accounts, to fix a day when such wreck, destruction, or loss shall be deemed and taken to have occurred.

Accounts of petty officers, seamen, &c., on such vessel, how to be settled.

SEC. 2. *And be it further enacted*, That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the accounts of the petty officers, seamen, and others, not officers, on board of any vessel in the employ of the United States, which by any casualty, or in action with the enemy, has been or may be sunk or otherwise destroyed, together with the rolls and papers necessary to the exact ascertainment of the several accounts of the same at the date of such loss, to assume the last quarterly return of the paymaster of any such vessel as the basis for the computation of the subsequent credits to those on board, to the date of such loss, if there be no official evidence to the contrary. Where such quarterly return has, from any cause, not been made, the said accounting officers are hereby authorized to adjust and settle said accounts on principles of equity and justice; and to allow and pay to each person, not an officer, employed on a vessel so sunk or otherwise destroyed, and whose personal effects have been lost, a sum not exceeding sixty dollars as compensation for loss of his personal effects.

Compensation to be paid for loss of personal effects.

If such petty officer or seaman is dead, payment to be made to his widow, &c., and from what money.

SEC. 3. *And be it further enacted*, That in case of the death of such petty officer, seaman, or other person, not an officer, such payment shall be made to the widow, child or children, father, mother, brothers and sisters, (jointly,) in that order of preference, under such rules as the second comptroller of the treasury may prescribe; such credits and gratuity to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, July 4, 1864.

July 4, 1864.

CHAP. CCXLIX. — *An Act further to regulate the Carriage of Passengers in Steamships and other Vessels.*

Term "contiguous territory" not to extend to certain ports. 1855, ch. 213, § Vol. x. p. 715.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "contiguous territory," in the first section of the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March three, eighteen hundred and fifty-five, shall not be held to extend to any port or place connecting with any inter-oceanic route through Mexico.

Provisions of § 11 of act of 1855, ch. 213, extended. Vol. x. p. 719.

SEC. 2. *And be it further enacted*, That the provisions of the eleventh section of said act be, and the same are hereby, extended to all vessels whose passengers, or any part of them, are or shall be bound from or to any of the ports or places therein mentioned, by way of any overland route or routes through Mexico or Central America.

Three copies of inspectors' certificates to be given masters, &c.

1852, ch. 106, § 25. Vol. x. p. 71.

SEC. 3. *And be it further enacted*, That hereafter there shall be delivered to masters or owners of vessels three copies of the inspectors' certificates directed to be given them by collectors or other chief officers of the customs, by the twenty-fifth section of the act entitled "An act to amend an act entitled 'An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam,' and for other purposes," approved August thirty, eighteen hundred and fifty-two, one of which copies shall be placed, and at all times kept, by said masters or owners, in some conspicuous place in the vessel, where it will be most likely to be discovered by steerage passengers, and the others as now provided by law; and the penalty for neglecting or refusing to place and keep up such additional copy shall be the same as is provided by the said twenty-fifth section in the other cases therein mentioned.

One to be kept in a conspicuous place in the vessel.

Penalty.

List of passengers to be open to inspection.

After clearance and before sailing, master to file

SEC. 4. *And be it further enacted*, That the list of passengers required to be kept by section thirty-five of the said act of August thirty, eighteen hundred and fifty-two, shall also be open to the inspection of any passenger during all reasonable hours; and that after any clearance is granted, but before the vessel shall be allowed to depart, the master or other person in

charge of such vessel, carrying passengers, shall file with the collector, or other officer of the customs granting the clearance, a list, verified by the oath of the master, or other agent, or owner of the vessel, of all passengers received, or to be received, on the vessel so cleared, for conveyance during the proposed voyage, designating cabin and *and* steerage passengers distinctly; and on the receipt by such customs officer on the full list so verified, a departure permit shall be given, without which no vessel conveying passengers shall go to sea; and such departure permit shall be shown to the pilot of each vessel before he shall have authority to take the vessel to sea; and any pilot who shall, without such authority being shown to him, pilot a vessel to sea, shall be subject to a fine of one hundred dollars, and a revocation of his license.

sworn passenger list with collector.

Departure permit;

to be shown pilot.
Penalty upon pilot, if, &c.

SEC. 5. *And be it further enacted*, That the master or commander of any vessel carrying passengers from any port or ports in the United States to any port or place in Mexico or Central America shall, immediately on arriving at such last-mentioned port or place, deliver to the United States consul, vice-consul, or commercial agent at such port two copies of the list of passengers required to be kept on such vessel by said section thirty-five of the act of August thirty, eighteen hundred and fifty-two, embracing all the passengers on board the vessel at any time during its voyage up to its said arrival, and duly verified by the oath of such master or commander, and by the inspection of the consul, vice-consul, or commercial agent, previous to or at the landing of the passengers; one of which copies the said consul, vice-consul, or commercial agent shall file in his office, and the other of which he shall transmit, without delay, to the collector of the port in the United States from which the vessel last cleared. And if such master or commander shall refuse or neglect to comply with the requirements of this section, or shall knowingly make a false return of the list of passengers, he, together with the owner or owners of said vessel, shall be subject to a fine of not less than ten thousand dollars, and such fine shall be a lien upon the vessel until paid.

Master of passenger vessel, &c., at port in Mexico, &c., to give to consul two copies of lists of passengers.

Disposition of the copies.

Penalty for neglect.

SEC. 6. *And be it further enacted*, That the provisions of section twelve of the act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," approved July seventh, eighteen hundred and thirty-eight, be, and the same are hereby, extended to the owner or owners of any steamboat or other vessel propelled in whole or in part by steam, and to all public officers, by, or in consequence of, whose fraud, connivance, misconduct, or violation of law, the life or lives of any person or persons on board such steamboat or vessel may be destroyed.

Provisions of § 12 of act of 1838, ch. 191, extended.
Vol. v. p. 306.

SEC. 7. *And be it further enacted*, That if the owner or owners, master, commander, or other person in charge of any steamboat or other vessel, shall wilfully present, or cause to be presented, any false or fraudulent list or lists of its passengers, or copies thereof, to any consul, vice-consul, commercial agent, collector, or other custom-house officer, or of the departure permit to any pilot, he or they shall be held guilty of misdemeanor, and on conviction thereof shall be imprisoned for a term not exceeding two years; and the vessel shall be liable to seizure and forfeiture.

Penalty upon owner, &c., for presenting false lists of passengers.

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury shall cause to be prepared a synopsis of such of the laws relating to the carriage of passengers, and their safety on vessels propelled in whole or in part by steam, as he shall think expedient, and have the same printed in convenient form to be framed under glass, and give to any such vessel two copies, on application of its owners or master, who shall, without unnecessary delay, have the same framed under glass, and place and keep them in conspicuous places in such vessel, in the same manner as is provided by law in regard to certificates of inspectors; and no clearance shall be issued to such vessel until the collector or other chief [officer] of the customs shall be satisfied that the provisions of this section shall have been complied

Synopsis of passenger laws to be printed, &c.;

to be kept in conspicuous place on board vessel.

Clearance not to be issued until, &c.

with by such owners or master; and in case such owners or master shall neglect or refuse to comply with provisions of this section, he or they shall furthermore forfeit and pay for each offence one hundred dollars, and such fine shall be a lien upon the vessel until paid.

Forfeiture.

Informers entitled to half of penalty, &c.

SEC. 9. *And be it further enacted*, That informers shall be entitled to one half of any penalty or fine collected under this act, or the said act of March third, eighteen hundred and fifty-five, upon their information.

Steamers bound to or from foreign ports shall receive on board certain gold, &c.

SEC. 10. *And be it further enacted*, That all steamers and other vessels belonging to a citizen or to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities as the government of the United States or any department thereof, or any minister, consul, vice-consul, or commercial or other agent of the United States abroad shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business.

APPROVED, July 4, 1864.

July 4, 1864.

CHAP. CCL. — *An Act to pay, in Part, for publishing the Debates of Congress, and for other Purposes.*

Set of Congressional Globe and Appendix for each senator, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the secretary of the Senate and the clerk of the House of Representatives be, and they are hereby, directed to purchase from the publishers of the Congressional Globe and Appendix, for each senator, representative, and delegate in the present and each succeeding congress, who has not heretofore received the same, one complete set of the Congressional Globe and Appendix.

Pay to publishers of Globe and Appendix for extra pages.

SEC. 2. *And be it further enacted*, That there shall be paid to the publishers of the Congressional Globe and Appendix, by the secretary of the Senate and the clerk of the House of Representatives, out of the contingent funds of the two houses, according to the number of copies of the Congressional Globe and Appendix taken by each, one cent for every five pages exceeding three thousand pages for a long session, or fifteen hundred pages for a short session, including the indexes and the laws of the United States for this and each future congress.

Appropriation,

SEC. 3. *And be it further enacted*, That the sum of ninety-eight thousand five hundred and forty-four dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the purposes herein named for the present congress; and that thirty thousand four hundred and twenty-four dollars of the same be disbursed by the secretary of the Senate, and the remainder by the clerk of the House of Representatives.

how disbursed.

Repealing clause.

SEC. 4. *And be it further enacted*, That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed: *Provided, however*, That the above provisions are made upon the express condition that they may be abrogated by either congress or the publishers of the Congressional Globe and Appendix at any time after giving two years notice for that purpose.

Either party may abrogate these provisions by two years' notice.

APPROVED, July 4, 1864.

July 4, 1864.

CHAP. CCLI. — *An Act making an Appropriation for testing Submarine Inventions.*

Appropriation for testing certain submarine inventions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty-five thousand dollars is hereby appropriated for the purpose of testing submarine batteries and other inventions, to be applied under the direction

of the Secretary of the Navy to experiment upon such devices for submarine operations as may be recommended as worthy of practical test by a commission of competent naval officers and scientific men, now or hereafter to be organized for their examination.

APPROVED, July 4, 1864.

CHAP. CCLII. — *An Act to authorize the Secretary of the Navy to provide for the Education of Naval Constructors and Steam Engineers, and for other Purposes.* July 4, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to provide, by regulations to be issued by him, for the education of such midshipmen or others at the Naval Academy as show a peculiar aptitude therefor as naval constructors, or civil and steam engineers, and may form a separate class for this purpose, to be styled cadet engineers, or otherwise afford to such persons all proper facilities for such a scientific mechanical education as will fit them for such professions. Education of naval constructors and steam engineers.
Cadet engineers.

SEC. 2. *And be it further enacted,* That, upon the recommendation of the academic board, such persons connected with the scientific and mechanical class as graduate therein with credit, may be immediately appointed as assistant naval constructors or warranted as engineers. Appointments of such persons.

SEC. 3. *And be it further enacted,* That cadet engineers, not to exceed fifty in number, shall be appointed by the Secretary of the Navy: *Provided,* That no person, other than midshipmen, shall be eligible for such appointment who shall not produce satisfactory evidence of mechanical skill and proficiency, and that he has been employed at least two years in the actual fabrication of steam machinery. Number and appointment.

SEC. 4. *And be it further enacted,* That cadet engineers, when appointed, shall be under eighteen years of age, and shall have passed a mental and physical examination. They shall be admitted to the Naval Academy, where they shall be examined from time to time, according to the regulations prescribed by the Secretary of the Navy; and if found deficient at any examination, or dismissed for misconduct, they shall not be continued in the academy, or in the service, except upon recommendation of the academic board. Age.
Examination.
May be admitted to naval academy.

SEC. 5. *And be it further enacted,* That the academic course of cadet engineers shall be two years, and their pay the same as that of midshipmen. Length of academic course.

SEC. 6. *And be it further enacted,* That the number of chief engineers shall not exceed one for each first and second rate vessel in the navy, with such first, second, and third assistant engineers, or those acting as such, as the wants of the service actually require. And that, from and after the passage of this act, the annual pay of the engineer officers of the navy, on the active list, shall be as follows: — Number of chief and assistant engineers for vessels.
Pay of engineer officers of navy;
of chief engineer.

Every chief engineer on duty, for the first five years after the date of his commission, two thousand two hundred dollars.

For the second five years after the date of his commission, two thousand five hundred dollars.

For the third five years after the date of his commission, two thousand eight hundred dollars.

After fifteen years after the date of his commission, three thousand dollars.

Every chief engineer on leave or waiting orders, for the first five years after the date of his commission, one thousand five hundred dollars.

For the second five years after the date of his commission, one thousand six hundred dollars.

For the third five years after the date of his commission, one thousand seven hundred dollars.

After fifteen years after the date of his commission, one thousand eight hundred dollars.

Pay of first assistant engineer;

Every first assistant engineer on duty, one thousand five hundred dollars.

of second assistant engineer;

While on leave or waiting orders, one thousand one hundred dollars.
Every second assistant engineer on duty, one thousand two hundred dollars.

of third assistant engineer.

While on leave or waiting orders, nine hundred dollars.
Every third assistant engineer on duty, one thousand dollars.

Where articles are bid for in classes, certain bids may be rejected.

While on leave or waiting orders, eight hundred dollars.

SEC. 7. *And be it further enacted*, That section two of joint resolution "authorizing the Secretary of the Navy to adjust the equitable claims of contractors for naval supplies, and regulating contracts with the Navy Department," approved March three, eighteen hundred and sixty-three, be, and the same is hereby, amended by adding to the same the following proviso, viz: *Provided*, That where articles are advertised and bid for in classes, and in the judgment of the head of the department, any one or more articles appear to be bid for at excessive or unreasonable prices exceeding ten per centum above their fair market-value, he shall be authorized to reject such bid.

APPROVED, July 4, 1864.

July 4, 1864.

CHAP. CCLIII. — *An Act to provide for the better Organization of the Quartermaster's Department.*

Organization of quartermaster's department. Certain divisions established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the office of the quartermaster-general of the army, to exist during the present rebellion and one year thereafter, the following divisions, each of which shall be placed in the charge of a competent officer of the quartermaster's department, to be assigned to such duty by the Secretary of War, who shall, under such rules as may be prescribed by the quartermaster-general, with the approval of the Secretary of War, transact the business of such division as hereinafter provided, to wit:—

1st division.

The first division shall have charge of the purchase, procurement, and disposition of horses and mules for cavalry, artillery, wagon and ambulance trains, and all other purposes for which horses or mules may be procured for the armies of the United States.

2d division.

The second division shall have charge of the purchase, procurement, issue, and disposition of cloth and clothing, knapsacks, camp and garrison equipage, and all accoutrements of the soldier which are provided by the quartermaster's department.

3d division.

The third division shall have charge of the purchase, charter, hire, and maintenance of all vessels to be used in the transportation of the army, and of prisoners of war, and of their supplies, on the ocean, and the bays and sounds connected therewith, and upon the northern and northwestern lakes, including all vessels propelled by steam or otherwise, owned or employed by the War Department, excepting river steam-vessels and barges upon the western rivers.

4th division.

The fourth division shall have charge of the purchase, charter, hire, maintenance, and procurement of all transportation for the army, and its supplies by land and upon the western rivers, (other than transportation by animal power in the field, and at camps, garrisons, posts, depots, and stations,) including all railroad and telegraph lines operated by the United States for military purposes, and of all steam rams and gunboats owned or employed by the War Department upon the western rivers, until other disposition shall be made of them by competent authority.

5th division.

The fifth division shall have charge of the purchase, procurement, issue, and disposition of forage and straw for the army.

The sixth division shall have charge of the erection, procurement, maintenance, disposition, and so forth, of all barracks, hospital buildings, storehouses, stables, bridges, (other than railroad bridges,) wharves, and other structures composed in whole or in part of lumber, and of all lumber, nails, and hardware for building purposes; and of the hire and commutation of quarters for officers, the hire of quarters for troops, the hire of grounds for cantonments, or other military purposes, and the repair and care of all buildings and other structures herein mentioned, and of all grounds owned, hired, or occupied for military purposes, except such as are lawfully under the charge of other bureaus of the War Department; and of extra pay to soldiers employed in erecting barracks, or other fatigue duty, under the acts of March second, eighteen hundred and nineteen, and August fourth, eighteen hundred and fifty-four.

Quartermaster's department.

6th division.

The seventh division shall have charge of the purchase, procurement, issue, and disposition of all wagons, ambulances, travelling forges and harness, (except such as are furnished by the ordnance department,) and of all hardware except as hereinbefore provided; and of all fuel for officers and enlisted men, camps, garrisons, hospitals, posts, storehouses, offices, public transports, steam-rams, and army gunboats, and of all transportation by animal power in the field, at camps, garrisons, posts, depots, and stations; and of the construction and repair of roads other than railroads; and of the compensation of wagon and forage masters, and of clerks to officers of the quartermaster's department; and of the purchase of heating and cooking stoves; and of the expenses of courts-martial, military commissions, and courts of inquiry; and of mileage and allowances to officers for the transportation of themselves and their baggage when travelling upon duty without troops, escorts, or supplies, and of supplies for prisoners of war and such refugees as the Secretary of War may direct to be temporarily provided for; and of the purchase of stationery, blanks and blank books for the quartermaster's department; and of the printing of the division and department orders and reports; and of the proper and authorized expenses for the movements and operations of an army not expressly assigned to any other division or department.

7th division.

The eighth division shall have charge of all inspections of the quartermaster's department, and of all reports made by officers assigned to inspection duty, analyzing and preserving the reports as received, and communicating through the quartermaster-general, to the chiefs of the proper divisions such portions of these reports as may be necessary for their information and use: *Provided*, That the officers assigned to inspection duty shall have power not only to report and to point out any errors or abuses which they may discover in the practical operations of the quartermaster's department, but to give, by order of the quartermaster-general, the orders which may be immediately necessary to correct and to prevent a continuance of such abuses or errors: *Provided, further*, That all such orders shall be immediately reported to the chief of the inspection division for the approval, or otherwise, of the quartermaster-general.

8th division.

Power of inspecting officers.

Proviso.

The ninth division shall have charge of all the correspondence, returns, reports, and records received, filed, and preserved in the office of the quartermaster-general, and of the transmission thereof to the several other divisions of this office, and departments of the government.

9th division.

SEC. 2. *And be it further enacted*, That the heads of the several divisions above mentioned shall, under the direction of the quartermaster-general, from time to time, advertise for proposals for the supplies necessary for the movements and operations of the several armies, posts, detachments, garrisons, hospitals, and for other military purposes, in newspapers having general circulation in those parts of the country where such supplies can be most advantageously furnished, having regard also to the places where such supplies are to be delivered and used; and all

Heads of several divisions to advertise for proposals for supplies.

Supplies to be inspected.

such supplies, so purchased or contracted for, shall be subject to careful inspection, and all clothing and camp and garrison equipage, shall be subject to a double inspection, first, as to the quality of the material, and second, as to the kind and character of the workmanship, which inspection shall in all cases be performed by a competent inspector, with suitable assistants, who shall have had ample experience in the inspection of cloth, clothing, knapsacks, camp and garrison equipage; and all payments for supplies so purchased shall be made under the direction of the officers in charge of the several divisions above mentioned, upon receipts or certificates from the officers inspecting and receiving such supplies, prepared in such form and attested in such manner as may be prescribed by the quartermaster-general.

Payments for supplies, how made.

Depots for receiving and distributing supplies for armies in the field.

SEC. 3. *And be it further enacted,* That it shall be the duty of the quartermaster-general to establish depots, from time to time, at places convenient to the principal armies in the field, for receiving and distributing the supplies necessary for such armies, and for the detachments, posts, and hospitals most accessible to such depots; and the business of inspecting, weighing, measuring, and receiving supplies for such armies, detachments, posts, and hospitals, and of giving receipts or certificates therefor to the persons furnishing such supplies, shall be carried on as far as practicable at such depots; but the quartermaster-general, or the heads of the several divisions above mentioned, may cause such supplies to be sent from the place of purchase directly to the quartermasters of the commands for whose use they are procured, in any cases where it may be more economical or advantageous so to do; and in cases where horses, mules, clothing, or camp and garrison equipage may be so sent, suitable and competent inspectors shall be sent to examine the same before they shall be issued and receipted for.

In emergencies, supplies may be obtained without advertisement.

SEC. 4. *And be it further enacted,* That when an emergency shall exist requiring the immediate procurement of supplies for the necessary movements and operations of an army or detachment, and when such supplies cannot be procured from any established depot of the quartermaster's department, or from the head of the division charged with the duty of furnishing such supplies, within the required time, then it shall be lawful for the commanding officer of such army or detachment to order the chief quartermaster of such army or detachment to procure such supplies during the continuance of such emergency, but no longer, in the most expeditious manner, and without advertisement; and it shall be the duty of such quartermaster to obey such order; and his accounts of the disbursement of moneys for such supplies shall be accompanied by the order of the commanding officer as aforesaid, or a certified copy of the same, and also by a statement of the particular facts and circumstances, with their dates, constituting such emergency.

Quartermaster-general to require monthly statements of supplies on hand, and estimates.

SEC. 5. *And be it further enacted,* That it shall be the duty of the quartermaster-general, immediately after the passage of this act, and at least once in every month thereafter, to require from the principal quartermasters of the several military departments and depots, approximate statements of the aggregate amounts of supplies on hand, and estimates of the additional amounts required for the service for the ensuing month, stating at what places such supplies will be required, and what amounts are legally contracted for but not yet delivered. And it shall be the duty of the heads of the several divisions above mentioned to cause to be made purchases or contracts for the supplies which the quartermaster-general may estimate to be necessary in accordance with law, and all quartermasters shall forthwith report to the quartermaster-general, to be referred to the heads of the several divisions above mentioned, all contracts not yet fulfilled which they may have executed on behalf of the United States, and all proposals which they may have received in answer to advertisements for future supplies, and shall hereafter regularly report to the

quartermaster-general copies of all contracts made and all proposals received for supplies of any kind to be furnished. And if any quartermaster shall neglect or refuse, for the space of one month, to report to the quartermaster-general any such contract or proposal, such neglect or refusal shall be deemed prima facie evidence of fraud, and the pay of such quartermaster shall be stopped until he shall have made a satisfactory explanation to the Secretary of War of such neglect or refusal.

Copies of contracts and proposals.
Penalty for neglecting, &c., to report contracts, &c.

SEC. 6. *And be it further enacted*, That all inspectors of horses, mules, clothing, fuel, forage, lumber, hired transports, and other supplies of the quartermaster's department, shall be sworn (or affirmed) to perform their duties in a faithful and impartial manner, and shall, for any corruption, wilful neglect, or fraud in the performance of their duties, be liable to punishment by fine and imprisonment, by sentence of court-martial or military commission; and if any contractor or person furnishing such supplies or transportation shall give, or offer to give, to any inspector of such supplies or transportation, or to any other person for his use, directly or indirectly, any money or other valuable consideration, such person giving, or offering to give, such money or other valuable consideration, shall forfeit to the United States the full amount of his contract or contracts with the United States, and the name and offence of such person shall be published in general orders, and also in one newspaper of general circulation nearest to his place of residence.

Inspectors to be sworn.

Penalty for corruption, wilful neglect, &c.

Penalty upon contractor for offering, &c., money, &c., to inspector.

SEC. 7. *And be it further enacted*, That the provisions of the sixteenth section of the act entitled "An act to define the pay and emoluments of certain officers of the army, and for other purposes," approved July seventeen, eighteen hundred and sixty-two, shall apply to all persons engaged in executing the contracts therein referred to, whether as agents of such contractors or as claiming to be assignees thereof, or otherwise, and to all inspectors employed by the United States for the inspection of subsistence, clothing, arms, ammunition, munitions of war, or other description of supplies for the army or navy of the United States: *Provided*, That any person arrested to answer charges for a violation of the provisions of this act, or of the act to which it is in addition, shall be admitted to bail for his appearance to answer the charges made against him before any court-martial constituted to try him, in such sums and with such sureties as shall be designated and approved by the judge of the district court of the district in which the arrest is made, or the offence is charged to have been committed, or any commissioner appointed by such court.

Agents or assignees of certain contractors subject to, &c.

1862, ch. 200, § 16.

Vol. xii. p. 596.
&c.

SEC. 8. *And be it further enacted*, That if any contractor or person furnishing supplies or transportation shall give, or offer to give, or cause to be given, to any officer or employee of the quartermaster's department having charge of the receipt or disposition of the supplies or transportation furnished by him, or in any way connected therewith, any money or other valuable consideration, directly or indirectly, all contracts and charters with such person shall, at the option of the Secretary of War, be null and void; and if any officer or employee of the quartermaster's department shall knowingly accept any such money or other valuable consideration from such person, he shall be deemed guilty of malfeasance, and shall be punished by fine and imprisonment, or both, as a court-martial or military commission may direct.

Penalty on contractors furnishing supplies, &c., for offering, &c., money, &c., to any officer, &c., in quartermaster's department, &c.

upon officer for accepting such money, &c.

SEC. 9. *And be it further enacted*, That whenever it shall become necessary to purchase any steam or sailing vessel for the use of the quartermaster's department, the same shall be first inspected by one or more competent naval officers detailed in accordance with the provisions of the "act authorizing the detail of naval officers for the service of the War Department," approved February twelve, eighteen hundred and sixty-two, and all steam-vessels shall be inspected by an officer skilled in the construction and operation of steam machinery, in addition to the other usual inspection of such vessels: *Provided*, That the provisions of this section

Rules for purchasing vessels for quartermaster's department.

1862, ch. 21.
Vol. xii. p. 338.

Proviso.

shall not apply to steamboats or other vessels in military service on the western rivers; but such river steamboats or vessels shall be so inspected by competent builders, to be designated for that purpose.

Officers in charge of divisions to have what rank and pay.

Distribution of duties may be changed.

Inspectors of the quartermaster's department.

Chief quartermaster of army corps, &c.,

Division quartermaster.

Provisos.

Two thirds of officers of each grade provided for under this act to be from volunteer service.

Repeal of inconsistent provisions.

SEC. 10. *And be it further enacted*, That the officers placed in charge of the several divisions provided for by the first section of this act, shall, during the time they remain in such charge, each have the rank, pay, and emoluments of a colonel in the quartermaster's department: *Provided*, That the quartermaster-general may, with the approval of the Secretary of War, from time to time, and according to the necessities of the public service, change the distribution of duties among them; and all such changes shall be forthwith published in general orders of the War Department.

SEC. 11. *And be it further enacted*, That during the continuance of the present rebellion, the Secretary of War may assign to duty, as inspectors of the quartermaster's department, six officers, to be selected from the regular and volunteer officers of that staff corps, who have served not less than one year, who shall have, while so assigned and acting, the temporary rank, pay, and emoluments of colonels of the quartermaster's department; and also, when in his judgment it is necessary, may assign to each army in the field, consisting of more than one army corps, and to each military department and to each principal depot, not exceeding ten in number at any one time, of the quartermaster's department, an officer to act as chief or senior quartermaster of said army, military department, or depot, who shall have while so assigned the temporary rank, pay, and emoluments of a colonel of the quartermaster's department; and also to assign to each division of two or more brigades, a quartermaster, as division quartermaster, who, while so assigned and acting, shall have the temporary rank, pay, and emoluments of a major of the quartermaster's department: *Provided*, That when any of said officers is relieved from such duty, his temporary rank, pay, and emoluments shall cease, and he shall return to his lineal rank in the department: *And provided, further*, That when within the limits of any military department there shall be not more than one army corps, then the chief quartermaster of the army corps shall perform also the duties of the department quartermaster.

SEC. 12. *And be it further enacted*, That, at least two thirds of all the officers of each grade or assigned rank provided for under the provisions of this act shall be selected from among quartermasters of the volunteer service.

SEC. 13. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

APPROVED, July 4, 1864.

RESOLUTIONS.

- [No. 1.] *Joint Resolution of Thanks to Major-General Ulysses S. Grant, and the Officers and Soldiers who have fought under his Command during this Rebellion; and providing that the President of the United States shall cause a Medal to be struck, to be presented to Major-General Grant in the name of the People of the United States of America.* Dec. 17, 1863.
- Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the thanks of congress be, and they hereby are, presented to Major-General Ulysses S. Grant, and through him to the officers and soldiers who have fought under his command during this rebellion, for their gallantry and good conduct in the battles in which they have been engaged; and that the President of the United States be requested to cause a gold medal to be struck, with suitable emblems, devices, and inscriptions, to be presented to Major-General Grant. The thanks of congress to Major-General Grant, his officers, and soldiers.
Gold medal for General Grant.
- SEC. 2. *And be it further resolved,* That when the said medal shall have been struck, the President shall cause a copy of this joint resolution to be engrossed on parchment, and shall transmit the same, together with the said medal, to Major-General Grant, to be presented to him in the name of the People of the United States of America. Copy of resolution to be given with medal.
- SEC. 3. *And be it further resolved,* That a sufficient sum of money to carry this resolution into effect is hereby appropriated, out of any money in the treasury not otherwise appropriated. Appropriation.
- APPROVED, December 17, 1863.
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- [No. 2.] *Joint Resolution tendering the Thanks of Congress to Captain John Rodgers, of the United States Navy, for eminent Skill and Zeal in the Discharge of his Duties.* Dec. 23, 1863.
- Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in pursuance of the recommendation of the President of the United States, and to enable him to advance Captain Rodgers one grade, in pursuance of the ninth section of the act of congress of sixteenth July, eighteen hundred and sixty-two, the thanks of congress be, and they are hereby, tendered to Captain John Rodgers, "for the eminent skill and gallantry exhibited by him in the engagement with the rebel armed iron-clad steamer 'Fingal,' alias 'Atlanta,' whilst in command of the United States iron-clad steamer 'Weehawken,' which led to her capture on June seventeenth, eighteen hundred and sixty-three; and also for the zeal, bravery, and general good conduct shown by this officer on many occasions." Thanks of congress to Captain John Rodgers.
1862, ch. 183, § 9.
Vol. xii. p. 584.
- APPROVED, December 23, 1863.
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- [No. 3.] *Joint Resolution to supply, in Part, Deficiencies in the Appropriations for the Public Printing, and to supply Deficiencies in the Appropriations for Bounties to Volunteers.* Dec. 23, 1863.
- Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That to supply deficiencies, in

Appropriation for deficiency in public printing;

for bounties and advance pay of volunteers.

Proviso.

See *Post*, Nos. 5, 17.

Commutation money paid by those drafted, to be paid into treasury, &c.

1863, ch. 75, § 13.

Vol. xii. p. 733.

See No. 6, *post*.

part, in the appropriations for the public printing, the sum of fifty thousand dollars be, and the same hereby is, appropriated, out of any money in the treasury not otherwise appropriated.

That the sum of twenty millions of dollars, or so much thereof as may be required, be, and the same is hereby, appropriated for the payment of bounties and advance pay: *Provided*, That no bounties, except such as are now provided by law, shall be paid to any persons enlisted after the fifth day of January next.

SEC. 2. *And be it further resolved*, That the money paid by drafted persons under the "Act for enrolling and calling out the national forces and for other purposes," approved third March, eighteen hundred and sixty-three, shall be paid into the treasury of the United States, and shall be drawn out on requisitions, as in the case of other public moneys, and the money so paid shall be kept in the treasury as a special deposit, applicable only to the expenses of draft and for the procurement of substitutes; for these purposes it is hereby appropriated.

APPROVED, December 23, 1863.

January 13, 1864. [No. 4.] *Joint Resolution to provide for the Printing annually of the Report of the Commissioner of Internal Revenue.*

Report of commissioner of internal revenue to be printed.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the superintendent of the public printing annually to print, for the use of the commissioner of internal revenue, one thousand copies of his report to the Secretary of the Treasury.

APPROVED, January 13, 1864.

January 13, 1864.

[No. 5.] *Joint Resolution to continue the Bounties heretofore paid.*

Bounties to men enlisting to be continued until, &c.

Ante, p. 144.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the bounties heretofore paid, under regulations and orders from the War Department, to men enlisting in the regular or volunteer forces of the United States for three years or during the war, shall continue to be paid from the fifth day of January, eighteen hundred and sixty-four, until the first day of March next, anything in the *act* [joint resolution] approved December twenty-third, eighteen hundred and sixty-three, to the contrary notwithstanding. This resolution to be in force from and after its passage.

APPROVED, January 13, 1864.

January 16, 1864. [No. 6.] *A Resolution amendatory of the Joint Resolution "to supply, in Part, Deficiencies in the Appropriations for the Public Printing, and to supply Deficiencies in the Appropriations for Bounties to Volunteers."*

Money paid by drafted persons, how to be applied.
1863, ch. 75, § 13,
Vol. xii. p. 733.
See No. 3, *ante*.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the money paid by drafted persons under the act for calling out the national forces and for other purposes, approved March third, eighteen hundred and sixty-three, or that may be paid under any act for like purposes, shall be paid into the treasury of the United States, and shall be drawn out on requisitions, as are other public moneys, for the expenses of the draft and for the procurement of substitutes, for which purposes the money so paid in is hereby appropriated.

APPROVED, January 16, 1864.

[No. 7.] *A Resolution expressive of the Thanks of Congress to Major-General Nathaniel P. Banks and the Officers and Soldiers under his Command at Port Hudson.* January 28, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress are hereby tendered to Major-General Nathaniel P. Banks and the officers and soldiers under his command for the skill, courage, and endurance which compelled the surrender of Port Hudson, and thus removed the last obstruction to the free navigation of the Mississippi River.

The thanks of congress to Major-General Banks, his officers, and men at Port Hudson.

APPROVED, January 28, 1864.

[No. 8.] *A Resolution of Thanks to Major-General Ambrose E. Burnside and the Officers and Men who fought under his Command.* January 28, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress be, and they hereby are, presented to Major-General Ambrose E. Burnside, and through him to the officers and men who have fought under his command, for their gallantry, good conduct, and soldierlike endurance.

The thanks of congress to Major-General Burnside, his officers, and men.

SEC. 2. *And be it further resolved,* That the President of the United States be requested to cause the foregoing resolution to be communicated to Major-General Burnside in such terms as he may deem best calculated to give effect thereto.

President to communicate this resolution.

APPROVED, January 28, 1864.

[No. 9.] *A Resolution expressive of the Thanks of Congress to Major-General Joseph Hooker, Major-General George G. Meade, Major-General Oliver O. Howard, and the Officers and Soldiers of the Army of the Potomac.* January 28, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That that the gratitude of the American people and the thanks of their representatives in congress are due, and are hereby tendered, to Major-General Joseph Hooker and the officers and soldiers of the Army of the Potomac, for the skill, energy, and endurance which first covered Washington and Baltimore from the meditated blow of the advancing and powerful army of rebels led by General Robert E. Lee; and to Major-General George G. Meade, Major-General Oliver O. Howard, and the officers and soldiers of that army, for the skill and heroic valor which at Gettysburg repulsed, defeated, and drove back, broken and dispirited, beyond the Rappahannock, the veteran army of the rebellion.

The thanks of congress and of the people to Major-Generals Hooker, Meade, and Howard, their officers, and men.

APPROVED, January 28, 1864.

[No. 10.] *A Resolution presenting the Thanks of Congress to Cornelius Vanderbilt for a Gift of the Steamship Vanderbilt.* January 28, 1864.

WHEREAS Cornelius Vanderbilt, of New York, did, during the spring of eighteen hundred and sixty-two, make a free gift to his imperilled country of his new and staunch steamship "Vanderbilt," of five thousand tons burthen, built by him with the greatest care, of the best material, at a cost of eight hundred thousand dollars, which steamship has ever since been actively employed in the service of the republic against the rebel devastations of her commerce; and whereas the said Cornelius Vanderbilt has in no manner sought any requital of this magnificent gift, nor any official recognition thereof: Therefore,

The thanks of congress to Cornelius Vanderbilt.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress be presented to Cornelius Vanderbilt for this unique manifestation of a fervid and large-souled patriotism.

SEC. 2. *And be it further resolved,* That the President of the United

President to have a gold medal struck, &c., and present it.

[Appropriation, *Post*, p. 462.]

States be requested to cause a gold medal to be struck, which shall fitly embody an attestation of the nation's gratitude for this gift; which medal shall be forwarded to Cornelius Vanderbilt, a copy of it being made and deposited for preservation in the library of congress.

APPROVED, January 28, 1864.

Feb. 3, 1864.

[No. 11.] *A Resolution in Relation to the Public Printing.*

Seven hundred copies of each bill, &c., to be printed.

Repeal of former law.
Vol. xii. p. 826.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of the joint resolution approved March third, eighteen hundred and sixty-three, be, and the same is hereby, repealed; and that the superintendent of public printing be directed to print hereafter seven hundred copies of every bill or joint resolution ordered or required to be printed by either the Senate or the House of Representatives, under any rule of either house, unless some other number be specially required by the House ordering the same.

APPROVED, February 3, 1864.

Feb. 19, 1864.

[No. 12.] *Joint Resolution tendering the Thanks of Congress to Major-General W. T. Sherman.*

The thanks of congress and of the people to Major-General Sherman, his officers, and men.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress and of the people of the United States are due, and that the same are hereby tendered, to Major-General W. T. Sherman, commander of the department and army of the Tennessee, and the officers and soldiers who served under him, for their gallant and arduous services in marching to the relief of the army of the Cumberland, and for their gallantry and heroism in the battle of Chattanooga, which contributed in a great degree to the success of our arms in that glorious victory.

APPROVED, February 19, 1864.

Feb. 22, 1864.

[No. 14.] *Joint Resolution making Appropriation for the Payment of Taxes on certain Lands owned by the United States.*

Appropriation to pay taxes on lands owned by the United States.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, to pay taxes on lands owned by the United States, the sum of twenty 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; and the Secretary of the Treasury is hereby directed to report to congress upon what lands such taxes may be paid, and the amount so paid.

APPROVED, Feb. 22, 1864.

Feb. 24, 1864.

[No. 15.] *A Resolution relative to the Transfer of Persons in the Military Service to the Naval Service.*

Enlistment into the naval service. (Repealed. See 1864, ch. 108. *Aute*, p. 119.)

Not to receive prize money.

Transfer authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First: That the Provost-Marshal General be, and is hereby, directed to enlist such persons as may desire to enter into the naval service of the United States, under such directions as may be given by the Secretary of War and the Secretary of the Navy, which enlistments shall be credited to the appropriate district: *Provided, nevertheless,* That inasmuch as persons enlisted in the naval service receive prize money, persons so enlisting shall not be entitled to receive any bounty upon their enlistment. Second: That the President of the United States may, whenever in his judgment the public service requires, authorize and direct the transfer of persons who have been employed in sea service, and are now enlisted in regiments for land service, from such

regiments to the naval service, upon such terms and according to such rules and regulations as he may prescribe: *Provided, nevertheless*, That the number of transfers from any company or regiment shall not be so great as to reduce such company or regiment below the minimum strength required by the regulations of the military service: *And provided, further*, That such sum as may have been paid to persons so transferred, as bounty for entering into the military service, shall be transferred from the recruiting fund of the naval service to the credit of the proper appropriation for the land service.

Company, &c., not to be reduced below minimum strength.

Bounty.

SEC. 2. *And be it further resolved*, That there shall be paid to each enlisted able or ordinary seaman, hereafter enlisted into the naval service, an advance of three months' pay, as a bounty to be refunded to the treasury from any prize money to which such enlisted man may be entitled.

Advance of three months' pay to enlisted able, &c., seamen as a bounty, to be refunded, &c.

APPROVED, February 24, 1864.

[No. 16.] *Joint Resolutions of Thanks of Congress to the Volunteer Soldiers who have re-enlisted in the Army.* March 3, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress are hereby given to those noble and brave men who, having already so gallantly endured the hardships and perils of war, for more than two years, in support of their country's flag, present the sublime spectacle of again voluntarily enrolling themselves in the army of the Union for another three years' campaign, or so long as the war shall continue.

The thanks of congress to volunteers re-enlisting.

SEC. 2. *And be it further resolved*, That the Secretary of War cause these resolutions to be read to each of the veteran regiments who have re-enlisted, or shall re-enlist, in both the volunteer and regular forces of the United States.

These resolutions to be read to the regiments.

APPROVED, March 3, 1864.

[No. 17.] *Joint Resolution to continue the Payment of Bounties.* March 3, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the bounties authorized to be paid under existing laws, and by regulations and orders of the War Department, to veterans re-enlisting, or persons enlisting in the regular or volunteer service of the United States for three years, or during the war, shall contin[ue] to be paid from the first day of March, eighteen hundred and sixty-four, to the first day of April, eighteen hundred and sixty-four, anything in any law or regulation to the contrary notwithstanding; the said bounties to be paid out of any moneys already appropriated for such purposes.

Bounties to enlisted men to be continued.

See *Ante*, Nos. 3, 5, p. 400.

APPROVED, March 3, 1864.

[No. 18.] *A Resolution of Thanks of Congress to Commodore Cadwalader Ringgold, the Officers, and Crew of the United States Ship "Sabine."* March 7, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress are hereby tendered to Commodore Ringgold, the officers, petty officers, and men of the United States ship "Sabine," for the daring and skill displayed in rescuing the crew of the steam-transport "Governor," wrecked in a gale on the first day of November, eighteen hundred and sixty-one, having on board a battalion of United States marines under the command of Major John G. Reynolds, and in the search for, and rescue of, the United States line-of-battle ship "Vermont," disabled in a gale upon the twenty-sixth of February last, with her crew and freight.

The thanks of congress to Commodore Ringgold, his officers, and men.

Resolution to be communicated.

SEC. 2. *And be it further resolved*, That the Secretary of the Navy be directed to communicate the foregoing resolution to Commodore Ringgold, and through him to the officers and men under his command.

APPROVED, March 7, 1864.

March 17, 1864.

[No. 20.] *Joint Resolution to authorize the Secretary of the Treasury to anticipate the Payment of Interest on the Public Debt, and for other Purposes.*

Secretary of Treasury may anticipate the interest on the public debt.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be authorized to anticipate the payment of interest on the public debt, by a period not exceeding one year, from time to time, either with or without a rebate of interest upon the coupons, as to him may seem expedient; and he is hereby authorized to dispose of any gold in the treasury of the United States not necessary for the payment of interest of the public debt: *Provided*, That the obligation to create the sinking fund according to the act of February twenty-fifth, eighteen hundred and sixty-two, shall not be impaired thereby.

Proviso. 1862, ch. 33. Vol. xii. p. 345.

APPROVED, March 17, 1864.

March 25, 1864.

[No. 21.] *A Joint Resolution authorizing the Issue of a Register to the Steamer "Mohawk."*

Register to issue to steamer Mohawk.

Resolved 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 issue an American register to the Canadian-built steamer "Mohawk," now owned by Warren Chapman, George Parmelee, and Matthias Teetzel, of Saint Joseph, in the State of Michigan: *Provided*, That nothing herein contained shall in anywise affect any legal proceedings now pending in regard to the said steamer "Mohawk."

Proviso.

APPROVED, March 25, 1864.

April 19, 1864.

[No. 22.] *Joint Resolution tendering the Thanks of Congress to Admiral Porter.*

Thanks of congress to Admiral Porter.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress be, and they are hereby, tendered to Admiral David D. Porter, commanding the Mississippi squadron, for the eminent skill, endurance, and gallantry exhibited by him and his squadron, in coöperation with the army, in opening the Mississippi River.

APPROVED, April 19, 1864.

April 19, 1864.

[No. 23.] *Joint Resolution authorizing the Secretary of the Navy to sell at Public Auction Lot Number Thirteen, in the Village of Sackett's Harbor, New York.*

Secretary of Navy may sell a lot of land at auction in Sackett's Harbor, New York.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and empowered, at his discretion, to sell at public auction, after proper advertisement, and to convey, by quitclaim or otherwise, lot number thirteen, in the village of Sackett's Harbor, New York, the same not being wanted for use by the United States.

APPROVED, April 19, 1864.

April 19, 1864.

[No. 24.] *Joint Resolution relative to the Accounts of the Petty Officers, Seamen, and others of the Crew of the United States Gunboat "Cincinnati."*

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the

accounts of the petty officers, seamen, and others of the crew of the United States gunboat "Cincinnati," to allow each of them all back pay and a sum, not exceeding fifty dollars, for loss of clothing and other property, by the sinking of the said vessel in the Mississippi River, near Vicksburgh, on the twenty-seventh day of May, eighteen hundred and sixty-three.

Allowance to the petty officers and crew of the "Cincinnati."

APPROVED, April 19, 1864. _____

[No. 25.] *Joint Resolution directing the Committee on the Conduct of the War to examine into the recent Attack on Fort Pillow.* April 21, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint committee on the conduct of the war be, and they are hereby, instructed to inquire into the truth of the rumored slaughter of the Union troops, after their surrender, at the recent attack of the rebel forces upon Fort Pillow, Tennessee; as also, whether Fort Pillow could have been sufficiently reinforced, or evacuated, and, if so, why it was not done; and that they report the facts to congress as soon as possible.

Committee on the conduct of the war to examine into the attack upon Fort Pillow, &c.

APPROVED, April 21, 1864. _____

[No. 26.] *A Resolution relating to the Publication of the Decisions of the Supreme Court of the United States for December Term, eighteen hundred and sixty-three.* April 22, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act of congress, approved August twenty-nine, eighteen hundred and forty-two, as provides that the reporter of the decisions of the supreme court shall not be paid the compensation provided by the said act unless he print and publish the decisions within six months after such decisions shall be made, shall not be held to apply to the decisions of December term, eighteen hundred and sixty-three, the present reporter of the said court not having been appointed until near the close of the term: *Provided, however,* That such decisions be published within one year from the passage of this resolution.

Time of publication of reports of supreme court for December term, 1863. 1842, ch. 264. Vol. v. p. 545.

APPROVED, April 22, 1864. _____

[No. 27.] *Joint Resolution to increase temporarily the Duties on Imports.* April 29, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until the end of sixty days from the passage of this resolution, fifty per cent. of the rates of duties and imposts now imposed by law on all goods, wares, merchandise, and articles imported, shall be added to the present duties and imposts now charged on the importation of such articles: *Provided,* That printing paper unsized, used for books and newspapers exclusively, shall be exempt from the operation of this resolution.

1865, ch. 171, § 20. Ante, p. 216. Duties on imports temporarily increased. Post, No. 49, p. 411. Post, pp. 429, 430.

APPROVED, April 29, 1864. _____

[No. 28.] *Joint Resolution for the Payment of Volunteers called out for not less than One Hundred Days.* April 29, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the sum of twenty-five millions of dollars be, and the same is hereby, appropriated out of any moneys in the treasury not otherwise appropriated for arming, equipping, clothing, subsisting, transporting, and paying volunteers that may be received by the President for any term not less than one hundred days.

Appropriation for volunteers for not less than 100 days.

APPROVED, May 6, 1864.

May 19, 1864. [No. 29.] *A Resolution to provide for the Printing of official Reports of the Operations of the Armies of the United States.*

Official reports of the armies of the United States, and documents relating to the rebellion to be printed.

Resolved 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, directed to furnish the superintendent of public printing with copies of all such correspondence, by telegraph or otherwise, reports of commanding officers, and documents of every description in relation to the existing rebellion, to be found in the archives of his department since the first day of December, eighteen hundred and sixty, to the present time, and during the continuance of said rebellion, which may be, in his opinion, proper to be published, [which] said correspondence, reports, and documents shall be arranged in their proper chronological order.

Number of copies, and distribution thereof.

SEC. 2. *And be it further resolved,* That the superintendent of public printing shall cause to be printed and bound (in addition to the usual number) ten thousand copies of such correspondence, reports, and documents, in volumes of not exceeding (as near as may be) eight hundred octavo pages each, which shall be distributed by the Secretary of the Senate as follows, to wit: five hundred copies to the War Department; one complete copy to each state library of every state in the Union, and five complete copies to public libraries in each congressional district of the United States, to be designated by the representatives of the present congress from such district; and of the remaining copies three thousand shall be for the use of members of the present Senate and six thousand for the use of members of the present House of Representatives.

Complete index to be prepared.

SEC. 3. *And be it further resolved,* That it shall also be the duty of the Secretary of War to cause a complete index of the matter contained in each volume to be prepared and inserted therein.

Resolutions of present session directing such printing rescinded.

SEC. 4. *And be it further resolved,* That all resolutions adopted by either house of congress, at its present session, directing the printing of any of the correspondence, reports, or documents, as above contemplated, be, and the same are hereby, rescinded.

APPROVED, May 19, 1864.

May 19, 1864. [No. 30.] *A Resolution for the Payment of Expenses incurred by the Joint Committee on the Conduct of the War.*

Appropriation for expenses of joint committee on the conduct of the war.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to pay the expenses of the joint committee of congress appointed to inquire into the conduct and expenditures of the war; and that said sum shall be drawn from the treasury, upon the order of the secretary of the Senate, as the same shall be required from time to time by the committee having such investigation in charge; and any portion of the amount hereby appropriated that shall be allowed by the said joint committee to witnesses attending before it, or to persons employed in its service, for per diem, travelling, or other necessary expenses, and paid by the secretary of the Senate in pursuance of the order of that joint committee, shall be accordingly credited and allowed by the accounting officers of the Treasury Department.

APPROVED, May 19, 1864.

May 20, 1864. [No. 31.] *Joint Resolution relative to Pay of Staff Officers of the Lieutenant-General.*

Pay, &c., of staff officers of the lieutenant-general.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the staff officers on the staff of the lieutenant-general shall be entitled to receive the same pay, emoluments, and allowances as staff officers of the same grade on the

staff of corps commanders, the same to take effect from the day of their appointment on the staff of the lieutenant-general. See Post, No. 78, p. 417.

APPROVED, May 20, 1864.

[No. 32.] *Joint Resolution providing for the Election of a Member of Congress for the State of Illinois by the State at large.* May 20, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the election of representatives to congress from the State of Illinois, the additional representative allowed to said state by an act entitled "An act fixing the number of the House of Representatives from and after the third day of March, eighteen hundred and sixty-three," approved March fourth, eighteen hundred and sixty-two, may be elected by the state at large, until the said state shall be re-districted by the legislature thereof, for the election of the fourteen members to which said state is now entitled by law.

Election of member of congress from Illinois by the state at large, until, &c. 1862, ch. 36. Vol. xii. p. 353.

APPROVED, May 20, 1864.

[No. 35.] *A Resolution to amend the Charter of the City of Washington.* June 1, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in case any person who is a qualified voter in other respects shall offer and claim the right to vote at any election held in the city of Washington, whose name is not registered, his name shall be registered by the commissioners of election upon the terms and conditions following, namely, he shall take an oath as follows: You do solemnly swear that you will true answer make to such questions as shall be asked you touching your qualifications as an elector at this poll; So help you God; or an affirmation to the same effect, which oath or affirmation, if he be unable to understand the English language, may be interpreted to him by one of the commissioners, or an interpreter, sworn by a commissioner, which interpreter shall also interpret his answers to the commissioners. If, in his answers on oath, he shall state positively that he has resided in the city one year next preceding the day of said election, designating particularly the place of his residence, and that he possesses the other qualifications of an elector, and if, furthermore, some qualified elector of the city, not a candidate for any office at that election, shall take an oath before said commissioners, which any one of them may administer, that he is well acquainted with such applicant; that he is, in fact, a resident in the city, and has been one year next previous to such election, and that he (qualified elector) has good reason to believe, and does believe, that all the statements of such applicant are true, the commissioners shall cause his name to be registered by their clerk, and shall then receive the vote of said applicant; or if said applicant shall present the affidavit of himself and a qualified elector, duly certified by any justice of the peace in and for the county of Washington, District of Columbia, which shall satisfy the commissioners that the applicant has been a resident of the city one year next preceding the day of such election, and that he is otherwise a qualified elector, the commissioners may cause the applicant's name to be registered, as hereinbefore provided, and they shall then receive his vote; and if said applicant or such qualified elector shall, in said matter, wilfully make any false statement, he shall be deemed guilty of perjury, and, on conviction, be subject to the pains and penalties thereof.

Qualified voters, not registered, claiming right to vote, shall be registered. Terms and conditions of registry.

False swearing under this oath to be perjury.

APPROVED, June 1, 1864.

June 7, 1864. [No. 38.] *A Resolution to compensate the Sailors on the Gunboat "Baron de Kalb" for Loss of Clothing.*

Allowance to petty officers and crew of the "Baron de Kalb."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury be, and they are hereby, authorized, in settling the accounts of the petty officers, seamen, sailors, and others of the crew of the United States gunboat "Baron de Kalb," to allow to each a sum not exceeding fifty dollars as a remuneration for the damage they may have sustained in the loss of their clothing by the destruction of said vessel, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED, June 7, 1864.

June 7, 1864. [No. 39.] *A Resolution authorizing the Acceptance of a certain Testimonial from the Government of Great Britain.*

Solomon Sharp, surgeon in the United States Navy, may accept testimonial from Great Britain.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Surgeon Solomon Sharp, of the navy of the United States, be, and he hereby is, authorized to accept the piece of plate recently presented to him by the government of Great Britain as a mark of high appreciation of the unremitting attention and kindness shown by him to certain officers of the British ship "Greyhound," while in the naval hospital under his charge, at Norfolk, Virginia.

APPROVED, June 7, 1864.

June 11, 1864. [No. 40.] *A Resolution tendering the Thanks of Congress to Lieutenant-Colonel Joseph Bailey of the Fourth Regiment of Wisconsin Volunteers.*

Thanks of congress to Lieut.-Col. Joseph Bailey.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of congress be, and they are hereby, tendered to Lieutenant-Colonel Joseph Bailey, of the fourth regiment Wisconsin volunteers, acting engineer of the nineteenth army corps, for distinguished services in the recent campaign on the Red River, by which the gunboat flotilla under Rear Admiral David D. Porter was rescued from imminent peril.

Copy of resolution to be transmitted.

SEC. 2. *And be it further resolved,* That the President of the United States be requested to cause a copy of this resolution to be transmitted to Lieutenant-Colonel Bailey.

APPROVED, June 11, 1864.

June 15, 1864. [No. 41.] *Joint Resolution granting certain Privileges to the City of Des Moines, in the State of Iowa.*

Rights of the United States to certain coal-beds relinquished to the city of Des Moines.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby relinquish to the city of Des Moines, in the State of Iowa, a municipal corporation established under the laws of said state, all their right and interest in the coal-beds underlying the river Des Moines, within the limits of said city: *Provided,* That no disposition or use thereof shall be made which shall obstruct the free navigation of said river; nor shall any one grant of the privilege of mining the same extend for a longer period than ten years.

APPROVED, June 15, 1864.

June 18, 1864. [No. 42.] *A Resolution to provide for the Revision of the Laws of the District of Columbia.*

Laws of the District of Columbia to be revised, &c.

WHEREAS the revised code of the District of Columbia, prepared under the authority of congress, entitled "An act to improve the laws of the District of Columbia, and to codify the same," approved March third,

eighteen hundred and fifty-five, and which was published by order of congress in the year eighteen hundred and fifty-seven; and whereas said code is believed to have been a comprehensive, complete, and accurate compilation of the laws of said District at the period of its execution, and that measures should be taken to have the work brought down to the present time and perfected: Therefore —

1855, ch. 174.
Vol. x. p. 642.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the committees on the District of Columbia of the two houses of congress, respectively, be instructed to cause said code to be so revised, amended, and corrected, and also the laws of congress for said District passed since the compilation aforesaid, as shall adapt the same to the present condition of the laws, and may employ not more than two suitable persons on the preparation of the work, at a compensation of ten dollars per day for the time employed. And said code so prepared shall be printed by direction of said committees in a neat and convenient form for the use of the committees and congress; and said committees shall report the same to their respective houses at the next session of congress for adoption.

Revised code to be brought down to date.

APPROVED, June 18, 1864.

[No. 43.] *A Resolution explanatory of an Act entitled "An Act extending the Time for the completion of the Marquette and Ontonagon Railroad of the State of Michigan."*

June 18, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act entitled "An act extending the time for the completion of the Marquette and Ontonagon railroad of the State of Michigan," shall be so construed as to extend the time for completing only so much of said road as lies between Marquette and Ontonagon.

1864, ch. 134.
Ante, p. 137.
Construction of act concerning the Marquette and Ontonagon railroad.

APPROVED, June 18, 1864.

[No. 45.] *Joint Resolution authorizing the Secretary of the Navy to amend the Contract with John Ericsson for the Construction of two impregnable Floating Batteries, the "Dictator" and the "Puritan."*

June 25, 1864.

WHEREAS the Navy Department on the twenty-eighth day of July, eighteen hundred and sixty-two, entered into contract with Capt. John Ericsson, of the city of New York, for the construction of two impregnable floating batteries, the "Dictator" and the "Puritan;" and whereas experience with a similar class of vessels in actual conflict and during a varied service of more than two years has demonstrated that many improvements could be made to render them more complete and efficient as vessels of war; and whereas these improvements have added largely to the cost of construction of each of these vessels, rendering it impossible for the contractor to complete them under existing arrangements; and whereas it is of the utmost importance to the honor and interests of the country that they should be finished and ready for service at the earliest moment: Therefore,

Preamble.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to amend the existing contract for the construction of these vessels so far as it relates to the "Puritan," and to appoint a competent board to ascertain the present value, as far as completed, of that vessel, and of the material on hand deemed actually necessary to her construction, and to pay to Capt. John Ericsson, the contractor, the amount of valuation so ascertained, deducting therefrom any sums already advanced towards the completion of said vessel; and that upon said payment being made by the Secretary of the Navy the rights of the contractor to said vessel and material, or any portion thereof, shall cease

Contract with John Ericsson in regard to the "Puritan" amended.

and be vested wholly and absolutely in the United States, which shall thenceforth proceed to complete said vessel under such arrangements as may be deemed most advantageous: *Provided, however,* That nothing herein contained shall in any manner affect the contract for the construction of the "Dictator," which shall be completed by said contractor upon the same terms and conditions as if this resolution had not been passed: *Contract for the "Dictator."*

Providos. *And provided, further,* That no action shall be had under this resolution until said contractor shall have signified to the Secretary of the Navy, in writing, his acceptance of its provisions and his willingness to superintend to completion the construction of the "Puritan:" *Provided, further,* That this resolution shall not take effect until the completion and delivery of the "Dictator:" *Provided, also,* That it shall be the duty of the Secretary of the Navy, in carrying this resolution into execution, to apportion and apply to the "Dictator," in payment for that vessel, only such portion of the gross contract price of the two million three hundred thousand dollars (\$2,300,000) for the "Dictator" and "Puritan" as the "Dictator" would justly be entitled to if both vessels had been completed at the price and in the mode of construction specified in the contract, special reference being had to the difference of cost between the two vessels arising from the difference in their construction provided for in the contract.

APPROVED, June 25, 1864.

June 25, 1864.

1864, ch. 3,
Ante, p. 1.

Amounts advanced certain officers and soldiers upon assignments, to be repaid, &c.

Vol. xii. p. 824.

[No. 46.] *Joint Resolution amendatory of "An Act to provide for the Deficiency in the Appropriation for the Pay of Officers and Men actually employed in the Western Department, or Department of Missouri."*

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That where any person or persons holding any power of attorney or assignment executed subsequent to August sixteenth, eighteen hundred and sixty-three, and prior to January twenty-second, eighteen hundred and sixty-four, for the sum adjudged due to any officer or soldier by the commissioners appointed under joint resolution approved February sixteenth, eighteen hundred and sixty-three, shall have paid any money to any officer or soldier on the faith of such power of attorney or assignment, *that* the paymaster appointed to disburse the funds appropriated by the act approved January twenty-second, eighteen hundred and sixty-four, to provide for the deficiency in the appropriation for the pay of officers and men actually employed in the western department, or department of Missouri, be, and he is hereby, authorized and directed to pay to such person or persons the amount thus paid to any officer or soldier, upon such attorney or assignee making and filing an affidavit to the effect that the amount was actually paid to said officer or soldier, and upon the paymaster being satisfied that the amount was actually paid; and the amount paid such attorney or assignee under this resolution shall be deducted from the amount due said officer or soldier, anything in any previous action of congress to the contrary notwithstanding.

APPROVED, June 25, 1864.

June 25, 1864.

[No. 47.] *A Resolution for the Relief of Clerks at the Kittery and Philadelphia Navy Yards.*

Pay of clerks at the Kittery and Philadelphia navy yards.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in the settlement of the accounts of the Kittery and Philadelphia navy yards, the proper accounting officers of the treasury be, and they are hereby, authorized to allow such sums as have already been appropriated by congress for the pay of clerks at said yards, from October, eighteen hundred and fifty-seven, to July, eighteen hundred and fifty-nine.

APPROVED, June 25, 1864.

[No. 49.] *Joint Resolution to continue in force the Joint Resolution entitled "Joint Resolution to increase temporarily the Duties on Imports," approved April twenty-ninth, eighteen hundred and sixty-four.* June 27, 1864.
Ante, No. 27, p. 405.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution increasing the duties on imports, approved April twenty-ninth, eighteen hundred and sixty-four, be, and is hereby, continued in force until the first day of July next.

Increased duties on imports continued to July 1st, 1864.

APPROVED, June 27, 1864.

[No. 50.] *Joint Resolution correcting a clerical Error in the Award of the Emancipation Commissioners.* June 28, 1864.

Be it resolved 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 correct a clerical error in entering the amount of the award of the commissioners under the act of the sixteenth of April, eighteen hundred and sixty-two, entitled "An act for the release of certain persons held to service or labor in the District of Columbia," in the case of Nicholas Bowie, claimed by Martha Manning.

Clerical error in entering award of certain commissioners corrected. 1862, ch. 54. Vol. xii. p. 376.

APPROVED, June 28, 1864.

[No. 51.] *Joint Resolution to incorporate the Young Men's Christian Association of the City of Washington.* June 28, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Benjamin Stinemets, Samuel McElwee, jr., A. I. Stoddart, Samuel Ker Roberts, S. Jordan, Albert Ebeling, Charles H. Norton, George M. Powell, Warren Choate, Nicholas Du Bois, Joseph T. Brown, and Joseph C. Clayton, and their successors in office, be, and they are hereby, incorporated and made a body politic and corporate by the name of the Young Men's Christian Association of the City of Washington, and by that name may sue and be sued, plead and be impleaded, in any court of law or equity, and may have and use a common seal, and the same change at pleasure, and have, use, and exercise the powers, rights, and privileges incident to such corporation.

Young Men's Christian Association of the city of Washington incorporated.

SEC. 2. *And be it further resolved,* That the said corporation shall be capable of acquiring, receiving, taking, and holding real and personal estate, which estate shall never be divided among the members of the corporation, but shall descend to their successors for the promotion of religious, moral, educational, and benevolent purposes of said corporation.

May hold real and personal estate.

SEC. 3. *And be it further resolved,* That this corporation shall have power to alter and amend its constitution and by-laws: *Provided,* That they do not conflict with the laws of the United States, or the laws of the corporation of the city of Washington.

Constitution and by-laws may be amended.

SEC. 4. *And be it further resolved,* That said corporation shall not exercise banking privileges, or issue or put in circulation bank notes, or any note, paper, token, scrip, or device to be used as currency.

Corporation not to exercise banking privileges, nor issue currency.

SEC. 5. *And be it further resolved,* That congress reserves the right to alter, amend, or repeal this act at any time.

This act may be amended, &c.

APPROVED, June 28, 1864.

[No. 53.] *Joint Resolution to authorize the Postmaster-General to extend the Contract with the Overland Mail Company.* June 30, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster-General be,

Contract with overland mail company may be extended.

and he is hereby, authorized and empowered, in his discretion, to extend the mail contract number ten thousand seven hundred and seventy-three with the present contractors, or any other responsible parties, commonly known as the Overland Mail Company, for the term of one year from the first day of July next, upon the same terms and conditions with the present existing contract, except as to schedule time, which shall not exceed sixteen days for eight months of the year, and twenty days for the remaining four months; and except as to compensation, which shall not exceed the sum of eight hundred and twenty thousand dollars, beyond the amount paid for carrying of the printed matter by water.

Pay not to exceed \$820,000, &c.

APPROVED, June 30, 1864.

June 30, 1864.

[No. 54.] *Joint Resolution to provide for the Publication of a full Army Register.*

Full army register to be published.

Be it resolved 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 required in connection with the Army Register for the year eighteen hundred and sixty-four, to cause to be printed and published a full roster or roll of all field, line, and staff officers of volunteers who have been in the army of the United States since the beginning of the present rebellion, showing whether they are yet in the service, or have been discharged therefrom, and giving casualties and other explanations proper for such register. And to defray in whole or in part the expenses of this publication an edition of fifty thousand copies of such enlarged register shall be published and may be sold to officers, soldiers, or citizens, at a price which shall not more than cover the actual cost of paper, printing, and binding, and shall not in any case exceed one dollar per volume.

Number of copies to be printed.

APPROVED, June 30, 1864.

June 30, 1864.

[No. 55.] *Joint Resolution authorizing the Secretary of the Treasury to release certain Parties from Liabilities or Payment of Duties and Penalties therein mentioned.*

The "Irish National Fair" discharged from liability for selling, &c., without license or stamps.

Be it resolved 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 release and discharge the "Irish National Fair," recently held at Chicago, of and from all liability heretofore incurred for, or on account of, having sold goods and lottery tickets without license or stamps, and of and from the payment of all license fees, stamp duties, or penalties incurred by reason of the sales aforesaid.

APPROVED, June 30, 1864.

June 30, 1864.

[No. 56.] *Joint Resolution authorizing the Secretary of the Interior to reclaim and preserve certain Property of the United States.*

Improper appropriation of streets, &c., in Washington belonging to the United States, to be prevented.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to prevent the improper appropriation or occupation of any of the public streets, avenues, squares, or reservations in the city of Washington belonging to the United States, and to reclaim the same if unlawfully appropriated; and particularly to prevent the erection of any permanent building upon any property reserved to or for the use of the United States, unless plainly authorized by act of congress, and to report to the congress at the commencement of its next session, his proceedings in the premises, together with a full statement of all such property, and how, and by what authority, the same is occupied or claimed. Nothing herein contained shall be construed to interfere with the temporary and proper occupation of any portion of

such property, by lawful authority, for the legitimate purposes of the United States.

APPROVED, June 30, 1864.

[No. 57.] *Joint Resolution for the Relief of the Officers of the Fourth and Fifth Indian Regiments.*

June 30, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the treasury are hereby directed to adjudicate and settle the claims of those officers of the fourth and fifth Indian regiments who were commissioned by the War Department, and accepted their appointments, for such time as they, or either of them, were actually performing duty other than that of recruiting for said regiments, and to pay such claims out of any moneys in the treasury not otherwise appropriated: *Provided, however,* That no compensation shall be allowed beyond the pay and emoluments incident to the respective rank of the several officers; nor shall any claim be considered or allowed except accompanied by the official certificates or orders of the commanding officer of the regular or volunteer officers of the U. S. army assigning them to such duty.

Claims of officers of certain Indian regiments to be paid.

Proviso.

APPROVED, June 30, 1864.

[No. 59.] *A Resolution for the Relief of the State of Wisconsin.*

July 1, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Department of the Interior shall, in adjusting the amount due the State of Wisconsin, under existing laws, as five per centum of the net proceeds of sales of the public lands within her limits, estimate and charge against her the value of the one hundred and twenty-five thousand four hundred and thirty-one and eighty-two one-hundredths acres of land granted to the Territory of Wisconsin, to aid in the construction of the Milwaukee and Rock River Canal which have been sold by said territory or said state, at one dollar and twenty-five cents per acre, and as much more as the territory and state received upon the same upon sales of any part thereof at a higher price, and shall credit said state with the amount that has been legally and properly applied by said state or territory towards the cost of selling said land and towards the construction of said canal. And the said secretary shall also settle and allow to the Milwaukee and Rock River Canal Company such sums of money as have been properly expended by said company in the survey and location of said canal, in the construction thereof, as far as the same has been constructed, together with dams, locks, and slack-water navigation, and in the management and keeping the same in repair; and the same shall be paid to the said canal company out of any money in the treasury not otherwise appropriated, not exceeding in amount, however, the balance charged against the State of Wisconsin upon the sales of said canal lands, as above required, after deducting the sum allowed said state for money paid by her out of the same fund. The same to be received by said canal company in full payment and satisfaction of all claims of said company against the State of Wisconsin and of the United States on account of said canal land grant, or on account of any action of the Territory or State of Wisconsin, or of the United States, in relation thereto.

Wisconsin to be charged with the proceeds of sales of land granted to the Milwaukee and Rock River canal;

to be credited with what.

Allowance to the canal company.

SEC. 2. *And be it further resolved,* That the commissioner of the general land-office be, and he is hereby, appointed commissioner to adjust the accounts herein provided for, under the supervision of the Secretary of the Interior, and to determine what sum shall be charged to said State of Wisconsin for the lands granted for the construction of said canal; and what sums shall be credited, respectively, to said state and said com-

Commissioner of general land-office to adjust the accounts.

pany for the moneys expended by them in the construction of said locks and canal as herein provided.

APPROVED, July 1, 1864.

July 1, 1864.
1862, ch. 86, § 10.
Vol. xii. p. 410.

[No. 60.] *A Resolution explanatory of the Tenth Section of "An Act to reduce the Expenses of the Survey and Sale of the Public Lands in the United States, approved, May 30, 1862.*

Deposits for ex-
penses of surveys
of public lands.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the tenth section of an act entitled "An act to reduce the expenses of the survey and sale of the public lands in the United States," approved the thirtieth day of May, eighteen hundred and sixty-two, providing for the deposit of money in a proper United States depository to pay for the survey of public lands, shall be construed to be an appropriation of the sums so deposited for the objects contemplated in the said tenth section, and the Secretary of the Treasury is authorized to cause the sums deposited under the said section to be placed to the credit of the proper appropriations for the surveying service: *Provided,* That any excesses in the sums so deposited, over and above the actual cost of the surveys, comprising all expenses incident thereto, for which they were severally deposited, shall be repaid to the depositors respectively.

APPROVED, July 1, 1864.

July 1, 1864.

[No. 61.] *A Resolution to authorize the Acquisition of certain Land for the Use of the Government Hospital for the Insane.*

Land to be
deeded to John
Perkins in ex-
change for lands
of his for the
hospital for the
insane.

Provisos.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to deed to John Perkins a portion of the extreme south point or angle of the farm of the government hospital for the insane, in exchange for two acres of land, more or less, now owned and occupied by the said Perkins, and situated near the middle of that side of the hospital farm which fronts upon the public roads: *Provided,* That not more than three acres is given for one contained in the last-described piece of land belonging to the said Perkins: *And provided, further,* That the said Perkins is able to give, and does give, to the United States a good and sufficient title to the piece of land now owned and occupied by him.

Certain ex-
penses provided
for.

[SEC. 2.] *And be it further resolved,* That the Secretary of the Interior is further authorized to defray the expense of moving the dwelling-house on the present Perkins' tract to the tract exchanged for it, and of digging and walling a well, out of any appropriation already made, or that may be made, for inclosing the grounds of the hospital.

APPROVED, July 1, 1864.

July 1, 1864.

[No. 62.] *A Resolution regulating the Investment of the Naval-Pension Fund.*

Moneys belong-
ing to the naval
pension fund
how to be in-
vested.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy, as trustee of the naval pension fund, be, and he is hereby, authorized and directed to cause to be invested in the registered securities of the United States, on the first day of January and the first day of July of each year, so much of the said fund then in the treasury of the United States as may not be required for the payment of naval pensions for the then current fiscal year; and upon the requisition of the said secretary, so much of the said fund as may not be required for such payment of pensions accruing during the current fiscal year, shall be held in the treasury on the days aforesaid in each year, subject to his order for the purpose of such immediate investment; and the interest payable in coin upon the said securities in

which the said fund shall be invested, shall be so paid, when due, to the order of the Secretary of the Navy, and he is hereby authorized and directed to exchange the amount of such interest when paid in coin, for so much of the legal currency of the United States as may be obtained therefor at the current rates of premium on gold, and to deposit the said interest so converted in the treasury to the credit of the said naval pension fund; *Provided*, That nothing herein contained shall be construed to interfere with the payment of naval pensions under the supervision of the Secretary of the Interior, as now regulated by law.

APPROVED, July 1, 1864.

[No. 63.] *Joint Resolution to grant additional Rooms to the Agricultural Department.*

July 1, 1864.

WHEREAS the space assigned to the department of agriculture in the patent-office building, included between the central crypt and the west wing in the first story on the south front, is entirely inadequate to the necessities of the department, two of the rooms within these limits being used as furnace-rooms for the patent-office, one as a chemical laboratory, and another having recently been taken for the use of the land-office, leaving but five rooms, with one small storeroom, for the business of the department: and whereas, additional rooms are indispensably necessary for the convenience of the commissioner, for the accommodation of clerks engaged in the collection and compilation of statistics, and in other official duties; for the better accommodation of the operations of the chemist in making agricultural tests, analyses, and experiments, and for the arrangement and exhibition of pomological, entomological, and agricultural specimens, models, and paintings: Therefore,

Preamble.

[Repealed, *Ante*, p. 381.]

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the rooms now occupied by the department of agriculture, there shall be, and hereby is, assigned to the said department the suite of rooms upon the first floor included between the southwest corner and the western entrance of the patent-office building.

Additional rooms for the agricultural department.

APPROVED, July 1, 1864.

[No. 66.] *A Resolution requesting the President to appoint a Day for National Humiliation and Prayer.*

July 2, 1864.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to appoint a day for humiliation and prayer by the people of the United States; that he request his constitutional advisers at the head of the executive departments to unite with him as the chief magistrate of the nation, at the city of Washington, and the members of congress, and all magistrates, all civil, military, and naval officers, all soldiers, sailors, and marines, with all loyal and law-abiding people, to convene at their usual places of worship, or wherever they may be, to confess and to repent of their manifold sins; to implore the compassion and forgiveness of the Almighty, that, if consistent with His will, the existing rebellion may be speedily suppressed, and the supremacy of the constitution and laws of the United States may be established throughout all the states; to implore Him, as the Supreme Ruler of the world, not to destroy us as a people, nor suffer us to be destroyed by the hostility or connivance of other nations, or by obstinate adhesion to our own counsels, which may be in conflict with His eternal purposes, and to implore Him to enlighten the mind of the nation to know and do His will; humbly believing that it is in accordance with His will that our place should be maintained as a united people among the family of nations; to implore Him to grant to

The President requested to appoint a day for fasting, &c.

our armed defenders and the masses of the people that courage, power of resistance, and endurance necessary to secure that result; to implore Him in His infinite goodness to soften the hearts, enlighten the minds, and quicken the consciences of those in rebellion, that they may lay down their arms, and speedily return to their allegiance to the United States, that they may not be utterly destroyed, that the effusion of blood may be stayed, and that unity and fraternity may be restored, and peace established throughout all our borders.

APPROVED, July 2, 1864.

July 2, 1864.

[No. 67.] *Joint Resolution in Relation to the Professors of the Military Academy at West Point.*

Professors of the military academy at West Point may be absent, &c. 1863, ch. 75, § 31. Vol. xii. p. 736. 1864, ch. 145, § 11. *Ante*, p. 145.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thirty-first section of the act, entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-three, or the eleventh section of "An act to increase the pay of soldiers in the United States army, and for other purposes," approved June twentieth, eighteen hundred and sixty-four, shall not be construed to abridge the privileges usually allowed to the professors of the military academy, of being absent during the suspension of the ordinary academic studies of that institution.

APPROVED, July 2, 1864.

July 2, 1864.

1864, ch. 145, § 1. *Ante*, p. 144.

[No. 68.] *A Resolution explanatory of an Act entitled "An Act to increase the Pay of Soldiers in the United States Army, and for other Purposes," approved, June twentieth, eighteen hundred and sixty-four.*

Word "musicians" not to include, &c.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the word "musicians" in the first section of an act entitled "An act to increase the pay of soldiers in the United States army, and for other purposes," approved June twentieth, eighteen hundred and sixty-four, is not to be construed to include musicians, (other than leaders,) employed as members of brigade and regimental bands; but such members of bands shall be paid as heretofore, one fourth of the members of each band thirty-four dollars per month, one fourth of them twenty dollars per month, and the remaining half of them seventeen dollars per month.

APPROVED, July 2, 1864.

July 4, 1864.

[No. 75.] *A Resolution to increase the Compensation of Matrons in the Hospitals.*

Pay of hospital matrons to be increased.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of July, eighteen hundred and sixty-four, hospital matrons shall be entitled to and shall receive ten dollars per month and one ration.

APPROVED, July 4, 1864.

July 4, 1864.

[No. 76.] *Joint Resolution for the Relief of the Sufferers by a late Accident at the U. S. Arsenal in Washington, D. C.*

Appropriation for the relief of the sufferers by the accident at the Washington arsenal.

WHEREAS nearly thirty persons, mostly females, were terribly injured, nineteen of them fatally, by an explosion in the cartridge factory at the United States arsenal in Washington, D. C., on the seventeenth day of June, eighteen hundred and sixty-four; and whereas all of the wounded are poor, and dependent upon daily labor for bread, who by this calamity have been deprived of the power to earn their living, and are without the

means to procure the care and comforts necessary to their recovery; Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, for the relief of the victims of such explosion, — said money to be distributed under the direction of Major Benton, commanding at said arsenal, and in such manner as shall most conduce to the comfort and relief of said sufferers, according to their necessities respectively, and that he report to this house.

APPROVED, July 4, 1864.

[No. 77.] *Joint Resolution imposing a special Income Duty.*

July 4, 1864.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the income duty already imposed by law, there shall be levied, assessed, and collected on the first day of October, eighteen hundred and sixty-four, a special income duty upon the gains, profits, or income for the year ending the thirty-first day of December next preceding the time herein named, by levying, assessing, and collecting said duty of all persons residing within the United States, or of citizens of the United States residing abroad, at the rate of five per centum on all sums exceeding six hundred dollars, and the same shall be levied, assessed, estimated, and collected, except as to the rate, according to the provisions of existing laws for the collection of an income duty, annually, where not inapplicable hereto; and the Secretary of the Treasury is hereby authorized to make such rules and regulations as to time and mode, or other matters, to enforce the collection of the special income duty herein provided for, as may be necessary: *Provided,* That in estimating the annual gains, profits, or income, as aforesaid, for the foregoing special income duty, no deductions shall be made for dividends or interest received from any association, corporation, or company, nor shall any deduction be made for any salary or pay received.

Additional income duty for the year ending December 31, 1863.

When to be levied, collected, &c.

APPROVED, July 4, 1864.

[No. 78.] *Joint Resolution explanatory of a Joint Resolution relative to Pay of Staff Officers of the Lieutenant-General.*

July 4, 1864.

See *Ante*, No. 31. p. 406.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution relative to pay of staff officers of the lieutenant-general, approved May twenty, eighteen hundred and sixty-four, shall be so construed as to entitle all the staff officers on the staff of the lieutenant-general to receive the pay, emoluments, and allowances of cavalry officers of the same grade.

Pay of staff officers of the lieutenant-general.

APPROVED, July 4, 1864.

