

ACTS OF THE TWENTY-FIFTH CONGRESS

OF THE

UNITED STATES,

Passed at the third session, which was begun and held at the City of Washington, in the district of Columbia, on Monday, the 3d day of December, 1838, and ended the 3d day of March, 1839.

MARTIN VAN BUREN, President. RICHARD M. JOHNSON, Vice President of the United States, and President of the Senate. JAMES K. POLK, Speaker of the House of Representatives.

STATUTE III.

Dec. 22, 1838.

[Obsolete.]

CHAP. I.—*An Act making appropriations, in part, for the support of Government, for the years eighteen hundred and thirty-eight and eighteen hundred and thirty-nine.*

Appropriations.

Pay and mileage of members of Congress.

Pay of officers of Congress.

Cont. exp. of Senate.

Cont. exp. of House of Representatives.

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 be paid out of any unappropriated money in the Treasury, viz :

For pay and mileage of members of Congress and Delegates, three hundred and seventy thousand nine hundred and forty-four dollars ;

For pay of the officers and clerks of the Senate and House of Representatives, forty-three thousand four hundred dollars ;

For stationery, fuel, printing, and all other incidental and contingent expenses of the Senate, thirty-five thousand dollars ;

For stationery, fuel, printing, and all other incidental and contingent expenses of the House of Representatives, one hundred thousand dollars.

The said two sums last mentioned to be applied to the payment of the ordinary expenditures of the Senate and House of Representatives, severally, and to no other purpose.

APPROVED, December 22, 1838.

STATUTE III.

Jan. 11, 1839.

Act of May 18 1842, ch. 29.

Commissioner and surveyor, how appointed.

A clerk to be appointed in the same manner.

CHAP. II.—*An Act to provide for carrying into effect the convention between the United States of America and the Republic of Texas for marking the boundary between them. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioner and surveyor to be appointed on the part of the United States, according to the first article of the convention between the United States of America and the Republic of Texas for marking the boundary between them, concluded April twenty-fifth, eighteen hundred and thirty-eight, be severally appointed by the President of the United States, by and with the consent of the Senate, together with a clerk to the said commissioner, to be appointed in the same manner ; and that for the purpose of carrying into effect the said first article of said convention,

(a) An act for the relief of persons residing within the reputed limits of the States of Arkansas or Louisiana, and beyond the boundary line between the United States and the republic of Texas, as established by the commissioners appointed to ascertain the same ; June 15, 1844, chap. 75.

A joint resolution for annexing Texas to the United States, March 1, 1845.

there be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums:

For the salary of the commissioner, two thousand five hundred dollars;

Commissioner's salary.

For the salary of the surveyor, two thousand dollars;

Surveyor's salary.

For the salary of the clerk, one thousand two hundred dollars: *Provided*, That the salaries of the said officers shall not commence until they shall be ordered into service.

Clerk's salary. Salaries when to commence.

For other expenses of the survey of boundary required by said convention, including the purchase of instruments, wages to persons employed, and other contingencies, ten thousand dollars.

Contingent expenses.

APPROVED, January 11, 1839.

CHAP. III.—*An Act to amend an act entitled "An act to require the judge of the district of East and West Tennessee to hold a court at Jackson, in said State," approved June eighteenth, eighteen hundred and thirty-eight. (a)*

STATUTE III.

Jan. 18, 1839.

Act of June 18, 1838, ch. 118.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to the counties specified in the first section of the act to which this is an amendment, the counties of Madison, Henderson, and Weakly, are hereby added to compose the district of West Tennessee, and the residue of the counties of the said State of Tennessee, formerly composing the district of West Tennessee, shall compose one district, to be called the Middle District of Tennessee.

District of West Tennessee.

Middle dist. of Tennessee.

SEC. 2. *And be it further enacted*, That the court to be held at Jackson, in addition to the ordinary jurisdiction and power of a district court, shall, within the limits of its district, have jurisdiction of all causes, except appeals and writs of error, which now are, or hereafter may by law be, made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court.

The court to be held at Jackson.

SEC. 3. *And be it further [enacted]*, That the said court shall be held annually on the first Monday in April, at the town of Jackson, in the county of Madison, in said State, and all writs and other process may be returnable to such court on the first Monday in April, and also at rules on the first Monday in October, in the same manner as to the regular sessions of said court; and the said writs and other process may also bear test on the first Monday in October, as though a session of the court was held on that day at Jackson; and writs and other process issued previously to the first Monday in April next may bear test as on the first Monday in October last.

Said court to be held annually.

Writs, &c. when and how returnable.

SEC. 4. *And be it further enacted*, That the marshal appointed by virtue of the act to which this is an amendment, shall execute throughout his district all lawful precepts directed to him, and issued under the authority of the United States, and shall have the same power, perform the same duties, and be under the same liabilities within his district as is conferred by law upon the other marshals of the United States within their respective districts; *Provided*, That the marshal of the Middle District, formerly termed the district of West Tennessee, shall have power and authority to collect the executions issued or to be issued upon judgments and decrees heretofore rendered in the circuit court of the United States, at Nashville, and to serve and execute all process necessary to enforce such judgments, orders, or decrees, as if this act, or the act to which this is an amendment, had not passed; and all writs of scire facias and other process upon the said judgments and decrees, or upon suits now pending in said circuit court, at Nashville, shall also be

Duties and liabilities of the marshal, &c.

Proviso.

(a) Circuit courts in Tennessee, vol. 2, pages 420, 477, 516, 693; act of March 3, 1839, chap. 80, sec. 2; act of July 4, 1840, chap. 42, sec. 3; act of April 14, 1842, chap. 20; act of May 18, 1842, chap. 30; act of March 3, 1843, chap. 74.

issued from said circuit court and returned to the same, to be proceeded in as would have been done before the passage of said act to which this is an amendment.

An additional term of Middle Dist. to be held, &c.

SEC. 5. *And be it further enacted*, That there shall be an additional term of the circuit court for the Middle District held at Nashville, in each year, on the first Monday of March, which shall be held by the district judge of the United States for the State of Tennessee, and should any question of law be raised in any cause, the said district judge may, at his discretion, adjourn the cause to the succeeding term of the circuit court.

Rules of U. S. circuit courts in W. Tennessee to be enforced in the court established by this act, &c.

SEC. 6. *And be it further enacted*, That the rules of the circuit courts of the United States in West Tennessee, heretofore adopted, shall be in full force and effect in the court established by this act, and the act to which this is an amendment, until the same are altered by law or by the judges of said court.

Suits, not of a local nature, to be brought in the court of the dist. where the defendant resides, &c.

SEC. 7. *And be it further enacted*, That all suits hereafter to be brought in either of the courts of the United States in the State of Tennessee, not of a local nature, shall be brought in the court of the district where the defendant resides or may be found at the time of the service of the writ; but if there be more than one defendant, and they reside in different districts, the plaintiff may sue in either, and send a duplicate writ against the defendant, directed to the marshal of the other district, on which the plaintiff or his attorney shall endorse, that the writ thus sent is a copy of the writ sued out of the circuit or district court of the proper district; and the said writs, when executed and returned into the office from which they issued, shall constitute one suit, and be proceeded in accordingly; and executions may issue thereon to the marshals of either district where the defendant or defendants may reside, or their or either of their property may be situated.

A special term of the U. S. circuit court for the dist. of E. Tennessee to be held, &c.

SEC. 8. *And be it further enacted*, That there shall be held at Knoxville, on the third Monday of April next, a special term of the circuit court of the United States for the District of East Tennessee, by the district judge of said district, at which term shall be heard and tried all issues and matters cognizable at the regular term of said court.

Whenever there is a dangerous and general disease at the place where the court is usually holden, the court may adjourn, &c.

SEC. 9. *And be it further enacted*, That the judges or some one of them, of the circuit courts of the United States, shall have power to direct said courts to be adjourned over, to some future day, designated in a written order to the clerk of either of said courts, whenever there is a dangerous and general disease at the place where said court is usually holden; and the adjournment over, by the clerk, in the absence of the judges, shall have the same force and effect as if the judges had been present.

APPROVED, January 18, 1839.

STATUTE III.

Jan. 25, 1839.

CHAP. IV.—*An Act further to regulate the transportation of the mail upon railroads.*

Act of March 3, 1845, ch. 43, sec. 19.

Allowance to railroad companies for carrying mails, under act July 7, 1838, ch. 172, sec. 2.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General shall not, by virtue of the authority vested in him by the second section of the "Act to establish certain post routes and to discontinue others," approved July seventh, eighteen hundred and thirty-eight, allow more than three hundred dollars per mile per annum to any railroad company in the United States for the conveyance of one or more daily mails upon their roads: *Provided*, That nothing in this act contained shall be construed so as in any way to remove or impair the limitations upon the power of the Postmaster General imposed by that section.

APPROVED, January 25, 1839.

CHAP. XX.—*An Act to reorganize the district courts of the United States in the State of Alabama.* (a)

STATUTE III.
Feb. 6, 1839.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Alabama shall be, and the same is hereby, divided into three districts, in manner following, to wit: The counties of Walker, Pickens, Sumter, Marengo, Green, Perry, Bibb, Autauga, Coosa, Tallapoosa, Chambers, Shelby, Jefferson, and Tuscaloosa, shall compose one district, to be called the middle district; and a court shall be held for the said district at Tuscaloosa. The counties of Jackson, Madison, Limestone, Lauderdale, St. Clair, Marion, Fayette, Randolph, Taladega, Franklin, Lawrence, Morgan, Benton, Marshall, De Kalb, Cherokee, and Blount, shall hereafter compose one district, to be called the northern district; and a court shall be held for the same, as heretofore, at Huntsville: and the residue of the counties of said State shall hereafter compose the southern district of Alabama; and a court shall be held for the same, as heretofore, at Mobile.

Alabama divided into three districts.
Middle district.

Northern district.

Southern district.

SEC. 2. *And be it further enacted,* That there shall be two terms of the district court for the middle district held at Tuscaloosa, in each year, to begin on the fourth Monday in May, and the first Monday after the fourth Monday in November; and the district judge of the United States for the State of Alabama is hereby required to hold the courts aforesaid; and, furthermore, to hold one or more special terms at Tuscaloosa in each year, if, in his opinion, the business of the court shall require it to be done.

District judge to hold two annual terms, &c.

SEC. 3. *And be it further enacted,* That the fourth Monday in May, and first Monday after the fourth Monday in November, in each year, shall be return days for writs and executions returnable to the said district court at Tuscaloosa; and the parties to such suits as shall be so returned shall make up their pleadings, under such rules as the court shall prescribe, in order to have the causes so returned in a state of readiness for trial at the succeeding regular term.

Return days of the court at Tuscaloosa.

SEC. 4. *And be it further enacted,* That all causes at law or in chancery, pending in the said district courts at Mobile and Huntsville, or in the circuit court of the United States at Mobile, in which the defendant or defendants resided in the middle district (as hereby established) at the time of serving process shall be transferred for trial to the district court for the said middle district, and be proceeded in, heard, adjudged, and determined, in the same manner as though originally commenced or prosecuted in the said court; and it shall be the duty of the clerks of the said courts at Huntsville and Mobile safely to transmit to the clerk of the district court at Tuscaloosa the original papers in all cases hereby ordered to be transferred, together with a transcript of all orders and other proceedings had thereon.

All causes pending in district courts to be transferred for trial to said middle district.

Clerks to transmit the papers in said cases.

SEC. 5. *And be it further enacted,* That all suits hereafter to be brought in either of said courts, not of a local nature, shall be brought in a court of the district where the defendant resides; but if there be more than one defendant, and they reside in different districts, the plaintiff may sue in either, and send duplicate writ or writs to the other defendants; on which the plaintiff or his attorney shall endorse that the writ thus sent is a copy of a writ sued out of a court of the proper district; and the said writs, when executed and returned into the office from which they issued, shall constitute one suit, and be proceeded in accordingly.

Suits not of a local nature, where to be brought.

SEC. 6. *And be it further enacted,* That the judge of said district courts shall appoint a clerk of the district court of the middle district,

Judge to appoint a clerk—his fees, &c.

who shall reside and keep his office, and the records and documents appertaining thereto, at the place of holding said court; said clerk shall be entitled to the same fees allowed by law to the clerks of the other districts of said State, perform the like duties, and be subject to the same liabilities and penalties.

The Attorney for the northern and the Marshal for the southern district to perform certain duties.

Jurisdiction of court for the middle district.

Appeals, &c. to lie to U. S. circuit court at Mobile.

Adjournment of the court.

Laws contravening this act repealed.

STATUTE III.

Feb. 13, 1839.

[Obsolete.]

Appropriation for the Seminoles.

STATUTE III.

Feb. 13, 1839.

[Obsolete.]

Appropriations. Revolutionary pensioners under acts other than those of May 15, 1828, ch. 53, June 7, 1832, ch. 126, and July 4, 1836, ch. 362.

SEC. 7. *And be it further enacted*, That the district attorney of the northern, and the marshal of the southern, district of Alabama shall respectively perform the duties of district attorney and marshal of and for the middle district hereby established; and the said marshal shall keep an office at the city of Tuscaloosa, and his charges for mileage in the execution of the duties of his office within said middle district shall be computed from the said city of Tuscaloosa.

SEC. 8. *And be it further enacted*, That the said district court for the middle district of Alabama, in addition to the ordinary jurisdiction and powers of a district court of the United States, shall, within the limits of said middle district, have jurisdiction of all causes, except appeals and writs of error, which now are or hereafter may by law be made, cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court.

SEC. 9. *And be it further enacted*, That appeals and writs of error in the nature of appeals, shall lie and may be sued from the said district court at Tuscaloosa to the circuit court of the United States at Mobile in the State of Alabama.

SEC. 10. *And be it further enacted*, That should the judge of the district courts aforesaid fail to attend at the time and place of holding the court for the said middle district, at any one of its terms aforesaid, before the close of the fourth day of any such term, the business pending in such court shall stand adjourned to the next term thereof.

SEC. 11. *And be it further enacted*, That all laws contravening or opposed to the provisions of this act be, and the same are hereby repealed.

APPROVED, February 6, 1839.

CHAP. XXIV.—*An Act to provide for the location and temporary support of the Seminole Indians removed from Florida.*

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 hereby is, authorized to provide a suitable location, west of the States of Missouri or Arkansas, for the Seminole Indians who have been or may be removed from Florida; and to provide for their support until they shall be removed to such location; and that, for these purposes, the sum of ten thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, February 13, 1839.

CHAP. XXV.—*An Act making appropriations for the payment of the revolutionary and other pensioners of the United States, for the year eighteen hundred and thirty-nine.*

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, in addition to former appropriations, to be paid out of any money in the Treasury not otherwise appropriated, for the pensioners of the United States, for the year one thousand eight hundred and thirty-nine:

For the revolutionary pensioners, under the several acts, other than those of the fifteenth of May, one thousand eight hundred and twenty-eight; the seventh of June, one thousand eight hundred and thirty-two;

and the fourth of July, one thousand eight hundred and thirty-six, three hundred and twenty-six thousand two hundred and fifty dollars:

For the invalid pensioners, under various laws, three hundred thousand six hundred and eighty-five dollars and sixty-three cents:

For pensions to widows and orphans under the act of the fourth of July, one thousand eight hundred and thirty-six, four hundred and ninety thousand and eighty-four dollars and fifty-two cents:

For five years' pensions to widows, per act seventh July, one thousand eight hundred and thirty-eight, one million three hundred and seventy-two thousand dollars:

For half-pay pensions, payable through the office of the Third Auditor, ten thousand dollars.

APPROVED, February 13, 1839.

Invalid pensioners.
Pensions to widows and orphans under act July 4th, 1836, ch. 362.
Pensions to widows under act July 7th, 1838, ch. 189.
Half-pay pensions payable through office Third Auditor.

STATUTE III.

Feb. 16, 1839.

CHAP. XXVI.—*An Act to repeal the proviso to the second section of an act approved the third of March, eighteen hundred and thirty-seven, which authorized the Secretary of the Treasury to compromise the claims of the United States against certain banks.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso to the second section of "An act to authorize the proper officers of the Treasury Department to credit the account of the Treasurer of the United States with the amount of unavailable funds standing to his debit on the books of the Treasury, to transfer the amount to the debit of banks and individuals indebted for the same, and to authorize the Secretary of the Treasury to compromise and settle said claims," approved 3d of March, eighteen hundred and thirty-seven, which prohibits the Secretary of the Treasury from compromising the claims of the United States against the Alleghany Bank of Pennsylvania, be, and the same is hereby repealed; and that the Secretary of the Treasury is hereby authorized to compromise and settle the claim of the United States against said bank.

The 2d section act 3d March, 1837, ch. 35, repealed, &c.

APPROVED, February 16, 1839.

CHAP. XXVII.—*An Act to amend "An act to reorganize the district courts of the United States in the State of Mississippi," approved June eighteenth, eighteen hundred and thirty-eight. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the court of the northern district of Mississippi, besides the ordinary jurisdiction of a district court, shall have jurisdiction of all causes, except appeals and writs of error, cognizable by law in a circuit court, and shall proceed therein in the same manner as a circuit court.

SEC. 2. *And be it further enacted,* That defendants residing in said northern district shall not be sued in the circuit court held at Jackson, except in the cases and in the mode prescribed by the fourth section of the act to which this is an amendment.

SEC. 3. *And be it further enacted,* That all appeals and writs of error from the decisions of the said district court, when exercising the powers of a circuit court, shall be directly to the Supreme Court of the United States, in the same manner and under the same limitations and restrictions that they are now allowed by law from the circuit court.

SEC. 4. *And be it further enacted,* That the Marshal of the several districts in the State of Mississippi, in addition to the several sale days now allowed by law, may be authorized to sell property at the court-house of each county on Monday of each week, and on the first and second

STATUTE III.

Feb. 16, 1839.

Act of June 18, 1838, ch. 115.

The court of the N. dist. of Mississippi shall have jurisdiction, &c.

Appeals and writs of error shall be to supreme court U. S.

The marshal for the several districts of Mississippi, in addition to the sale days

(a) See notes of acts relating to the district court of Mississippi, vol. 3, 611.

now allowed by law, authorized to sell property on certain other days.

Proviso.

days of each term of the district court; and that he may, at the written request of the defendant, change the sale of property to the place where the United States court for his district is holden: *Provided*, in the opinion of the Marshal, the interest of the plaintiff would not be compromised thereby.

APPROVED, February 16, 1839.

STATUTE III.

Feb. 16, 1839.

[Obsolete.]

Appropriations.

CHAP. XXVIII.—*An Act making an appropriation for the support of the penitentiary 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 in addition to the unexpended balance of appropriations of eighteen hundred and thirty-seven, now subject to the order of the inspectors, there shall be, and hereby is, appropriated, for the support of the penitentiary for the District of Columbia, for the year eighteen hundred and thirty-eight, and for the payment of claims not settled, as follows: For pay of officers and agents; for repairs to buildings; for purchase of raw materials; for rations, clothing, beds, and bedding of prisoners; for purchase of fuel; for purchase of hospital stores and medicines; for purchase of books and stationery; for purchase of horse food; for allowance to discharged convicts; for pay of the inspectors for the years eighteen hundred and twenty-nine and eighteen hundred and thirty; for compensation to the secretary to the board of inspectors, from the date of his appointment, at two hundred dollars per annum, for keeping the books, records, and papers of the inspectors, as required by law; and for other contingent expenses of the institution, the sum of eight thousand six hundred and eighty-nine dollars, and forty cents; to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the board of inspectors.

APPROVED, February 16, 1839.

STATUTE III.

Feb. 20, 1839.

Any person challenging another, &c.

CHAP. XXX.—*An Act to prohibit the giving or accepting, within the District of Columbia, of a challenge to fight a duel, and for the punishment thereof.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person shall, in the District of Columbia, challenge another to fight a duel, or shall send or deliver any written or verbal message, purporting or intended to be such challenge, or shall accept any such challenge or message, or shall knowingly carry or deliver any such challenge or message, or shall knowingly carry or deliver an acceptance of such challenge or message to fight a duel in or out of the said District, and such duel shall be fought in or out of the said District, and either of the parties thereto shall be slain or mortally wounded in such duel, the surviving party to such duel, and every person carrying or delivering such challenge or message, or acceptance of such challenge or message as aforesaid, and all others aiding or abetting therein, shall be deemed guilty of felony, and upon conviction thereof, in any court competent to the trial thereof, in the said District, shall be punished by imprisonment and confinement to hard labor in the penitentiary, for a term not exceeding ten years, in the discretion of the court.

Any person giving, or sending, or causing a challenge to be given or sent, &c.

SEC. 2. *And be it further enacted*, That if any person shall give or send, or cause to be given or sent, to any person in the District of Columbia, any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or if any person in said District shall accept any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall be the bearer of any such challenge, every

person so giving or sending, or causing to be given or sent, or accepting such challenge or being the bearer thereof, and every person aiding or abetting in the giving, sending, or accepting such challenge, shall be deemed guilty of a high crime and misdemeanor, and on conviction thereof in any court competent to try the same in the said District, shall be punished by imprisonment and confinement to hard labor in the penitentiary, for a term not exceeding five years, in the discretion of the court.

SEC. 3. *And be it further enacted*, That if any person shall assault, strike, beat, or wound, or cause to be assaulted, stricken, beaten, or wounded, any person in the District of Columbia, for declining or refusing to accept any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall post or publish, or cause to be posted or published, any writing charging any such person so declining or refusing to accept any such challenge, to be a coward, or using any other opprobrious or injurious language therein, tending to degrade and disgrace such person for so declining or refusing such challenge, every person so offending, on conviction thereof, in any court competent to the trial thereof, in the said District, shall be punished by confinement to hard labor in the penitentiary, for a term not exceeding three years, in the discretion of the court.

Any person assaulting, striking, beating, or wounding another, &c.

SEC. 4. *And be it further enacted*, That, if any person or persons, for the purpose of evading the provisions of this act, shall leave the District of Columbia, by previous arrangement or concert within the same, with intent to give or receive any such challenge without said District, and shall give or receive any such challenge accordingly, the person or persons so offending shall be deemed guilty of a misdemeanor, and be subject to the same penalties as if such challenge had been given and received within said district.

Any person giving or receiving a challenge after having left the District by previous arrangement, &c.

SEC. 5. *And be it further enacted*, That every offender may plead a former conviction or acquittal for the same offence in any State or country; and the same, being established, shall be a bar to any further proceedings against such person under the next preceding section of this act.

Bar to further proceedings, by pleading a former conviction.

SEC. 6. *And be it further enacted*, That any person offending against the provisions of this act may be a competent witness against any other person offending in the same transaction, and may, at the discretion of the court, be compelled to give evidence before any grand jury, or on any trial in court; but the person so testifying shall not thereafter be liable to prosecution for the same matter, nor shall the testimony so given be used against him in any case whatsoever.

Evidence, &c.

SEC. 7. *And be it further enacted*, That, in addition to the oath now prescribed by law to be administered to the grand jury in the District of Columbia, they shall be sworn faithfully and impartially to inquire into, and true presentment make of all offences against this act.

Grand jury to be sworn, &c.

APPROVED, February 20, 1839.

STATUTE III.

CHAP. XXXI.—*An Act to amend an act entitled "An act to establish a criminal court in the District of Columbia."*

Feb. 20, 1839.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the judge of the said criminal court, from sickness, or any other legal cause, shall be unable to hold the said court, he shall give notice thereof to the chief judge of the circuit court of the District of Columbia, who, if not prevented by sickness or other legal cause, on receiving such notice, shall hold the said court during the temporary inability of the judge of the said court; and if the chief judge of the said circuit

Act of July 7, 1838, ch. 192.

In case of inability of the judge of the criminal court, from sickness, &c.

court shall not be able to hold the said criminal court, then the senior assistant judge of the said circuit court shall hold the same.

All writs, &c. to be tested in the name of the judge.

SEC. 2. *And be it further enacted*, That all writs and process which shall issue from the said court, shall be tested in the name of the judge of the said court.

Powers of the judge.

SEC. 3. *And be it further enacted*, That the judge of the said court shall, out of court, in all criminal matters, and breaches of the peace and good behavior, have and exercise all the powers by law vested in the circuit court of the United States, and the judges thereof, and which were vested by the acts establishing the circuit court of the District of Columbia, and judges of the same.

The judge to take an oath of office, &c.

SEC. 4. *And be it further enacted*, That the judge of the said criminal court shall take the oath of office, provided by law to be taken by the judges of the circuit court of the District of Columbia; and shall have power to make all needful rules of practice for the orderly and speedy administration of the business of the same, as he shall deem expedient, not inconsistent with the laws and Constitution of the United States; and the said court is hereby authorized to provide a seal for the same; and he shall have the same power and authority as is exercised by the judges of the circuit court of the District of Columbia, to require bail in all cases when by law bail may be required.

In order to prevent delay, &c.

SEC. 5. *And be it further enacted*, In order to prevent the delay and long confinement in the jails of said district, of prisoners sentenced to be executed, or to the penitentiary, when the party claims the right to have the sentence suspended, to give an opportunity of applying for a writ of error: *Be it enacted*, That all writs of error which may be granted to the judgment of the criminal court of either county, shall be returned to the circuit court which may be in session, or to the next circuit court which may be held at the stated times fixed by law for the meeting of the same; and that so much of the fifth section of the act establishing the criminal court as requires the writ of error to be returned to the circuit court of the county in which said judgment may be rendered, be, and the same is hereby repealed. The judgment of the circuit court shall be certified to the clerk of the criminal court, and preserved among the original papers in the case.

Writs of error to be returned, &c.

Such part of sec. 5th of the former act as is inconsistent with this, repealed.

Days on which the criminal court for Washington county shall be held.

SEC. 6. *And be it further enacted*, That the said criminal court for Washington county, in said District, shall hereafter commence and be held on the last Monday in December and on the second Monday in March and the fourth Monday of October, instead of the first Monday in December and the first Monday in March and the first Monday of September, the days now fixed by law for holding three of the terms of said court. All process whatsoever now issued, or which may be issued in the county of Washington, in said District, returnable to the days now fixed by law for said county, shall be returnable and returned on the days prescribed by this statute.

Process in Washington county.

Adjournment of the court, &c.

SEC. 7. *And be it further enacted*, That if, after the said court shall have commenced its session, the judge should be taken sick, so as not to be able to continue the session of the court from day to day until the business of the term is disposed of, it shall be lawful for him, or in his absence for the clerk of the said court to adjourn the same from day to day or week to week until such time as he shall be able to attend to the business of the said court, when the same shall be resumed as if the session had not been interrupted. But if the sickness of the said judge shall continue longer than the space of one month, then the chief judge of the circuit court of the District of Columbia shall hold the said court and continue the session; and if the said chief judge shall be unable from sickness or other disability to hold the said court, then the senior assistant judge of the said circuit court shall hold the same.

Cases wherein

SEC. 8. *And be it further enacted*, That in any case wherein the

parties or any of them may be related to the said judge of the criminal court, then such case and the record thereof may be sent to the next circuit court of the District of Columbia for the county in which the said case shall have arisen, to be there tried and determined, and sentence passed and executed, as if this act and the act to which this is supplemental had never been passed.

SEC. 9. *And be it further enacted*, That all causes, indictments, writs, process, and proceedings which were pending in the criminal court of the District of Columbia for the county of Washington, at the time appointed by law for holding a session thereof, on the first Monday of December last past, or which were returnable to the session of said court which ought to have been holden on said first Monday of December, shall be, and the same are hereby, revived, reinstated, and continued over to the next stated session of said court for said county, to be holden on the second Monday of March next, in the same manner and condition, and the same further proceedings may be had therein as if a session of the said court had been held, according to law, on the said first Monday of December, and as if a regular continuance of all said causes, indictments, writs, process, and proceedings, had been duly entered upon the records of the said court.

APPROVED, February 20, 1839.

any of the parties are related to the judge.

All cases, &c. which were pending in Washington co. revived, &c.

STATUTE III.

Feb. 28, 1839.

CHAP. XXXIII.—*An Act to prevent the abatement of suits and actions now pending, in which the Bank of Columbia, in Georgetown, may be a party.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no suit, action, judgment, or decree, now pending and unsatisfied, in which the Bank of Columbia, in Georgetown, is party, plaintiff or defendant, shall abate, or be discontinued or dismissed by reason of the expiration of the term for which the said bank is chartered, but all such suits, actions, judgments, and decrees shall be allowed to proceed to final judgment, execution, satisfaction, and settlement; and for that purpose it shall be lawful to use the corporate name, style and capacity, notwithstanding the expiration of the term of its incorporation.

No suit, &c. now pending, shall abate, &c.

APPROVED, February 28, 1839.

STATUTE III.

Feb. 28, 1839.

CHAP. XXXV. —*An Act to abolish imprisonment for debt in certain cases. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall be imprisoned for debt in any State, on process issuing out of a court of the United States, where by the laws of such State, imprisonment for debt has been abolished; and where by the laws of a State, imprisonment for debt shall be allowed, under certain conditions and restrictions, the same conditions and restrictions shall be applicable to the process issuing out of the courts of the United States; and the same proceedings shall be had therein, as are adopted in the courts of such State.

Imprisonment for debt abolished.
Act of Jan. 14, 1841, ch. 2.

APPROVED, February 28, 1839.

STATUTE III.

Feb. 28, 1839.

CHAP. XXXVI.—*An Act in amendment of the acts respecting the Judicial System of the United States. (b)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where, in any suit at law or in equity, commenced in any court of the United States, there shall be several defendants, any one or more of whom shall not be inhabitants

The court may entertain jurisdiction in certain cases.

(a) See notes of acts relating to imprisonment for debt, vol. 1, 265.

(b) An act concerning the Supreme Court of the United States, June 17, 1844, chap. 96. Vol. V.—41

of or found within the district where the suit is brought or shall not voluntarily appear thereto, it shall be lawful for the court to entertain jurisdiction, and proceed to the trial and adjudication of such suit, between the parties who may be properly before it; but the judgment or decree rendered therein shall not conclude or prejudice other parties, not regularly served with process, or not voluntarily appearing to answer; and the nonjoinder of parties who are not so inhabitants, or found within the district, shall constitute no matter of abatement, or other objection to said suit.

Appointment of clerks—how made.

SEC. 2. *And be it further enacted*, That all the circuit courts of the United States shall have the appointment of their own clerks; and in case of a disagreement between the judges the appointment shall be made by the presiding judge of the court.

Pecuniary penalties, &c. where sued for and recovered.

SEC. 3. *And be it further enacted*, That all pecuniary penalties and forfeitures accruing under the laws of the United States may be sued for and recovered in any court of competent jurisdiction in the State or district where such penalties or forfeitures have accrued, or in which the offender or offenders may be found.

No suits, &c. to be maintained for penalties, &c. unless commenced within five years.
Proviso.

SEC. 4. *And be it further enacted*, That no suit or prosecution shall be maintained, for any penalty or forfeiture, pecuniary or otherwise, accruing under the laws of the United States, unless the same suit or prosecution shall be commenced within five years from the time when the penalty or forfeiture accrued; *Provided*, The person of the offender or the property liable for such penalty or forfeiture shall, within the same period, be found within the United States; so that the proper process may be instituted and served against such person or property therefor.

Certain punishments abolished.

SEC. 5. *And be it further enacted*, That the punishment of whipping and the punishment of standing in the pillory, so far as they now are provided for by the laws of the United States, be, and the same are hereby, abolished.

Penalties, for the forfeiture of recognizance, &c. may be remitted.

SEC. 6. *And be it further enacted*, That, in all cases of recognizances in criminal causes taken for, or in, or returnable to, the courts of the United States, which shall be forfeited by a breach of the condition thereof, the said court for or in which the same shall be so taken, or to which the same shall be returnable, shall have authority in their discretion to remit the whole or a part of the penalty, whenever it shall appear to the court that there has been no wilful default of the parties, and that a trial can notwithstanding be had in the cause, and that public justice does not otherwise require the same penalty to be exacted or enforced.

Sec. 2 of act of 29th April 1802, ch. 31, repealed.

SEC. 7. *And be it further enacted*, That the second section of the act of Congress, passed the twenty-ninth day of April, one thousand eight hundred and two, which makes it the duty of the associate justice of the Supreme Court, resident in the fourth circuit, to attend in the city of Washington, on the first Monday of August annually, to make orders respecting the business of the Supreme Court, be, and the same is, hereby, repealed.

In suits and actions in which the judges are in any way concerned, &c.

SEC. 8. *And be it further enacted*, That in all suits and actions in any circuit court of the United States in which it shall appear that both the judges thereof or the judge thereof, who is solely competent by law to try the same, shall be any ways concerned in interest therein, or shall have been of counsel for either party, or is, or are so related to or connected with either party as to render it improper for him or them, in his or their opinion, to sit in the trial of such suit or action, it shall be the duty of such judge or judges, on application of either party to cause the fact to be entered on the records of the court; and also to make an order that an authenticated copy thereof, with all the proceedings in such suit or action, shall be forthwith certified to the most convenient circuit court in the next adjacent State, or in the next adjacent circuit; which circuit court shall, upon such record and order being filed with the clerk there-

of, take cognizance thereof in the same manner as if such suit or action had been rightfully and originally commenced therein, and shall proceed to hear and determine the same accordingly, and the proper process for the due execution of the judgment or decree rendered therein, shall run into and may be executed in the district where such judgment or decree was rendered, and also, into the district from which such suit or action was removed.

APPROVED, February 28, 1839.

CHAP. XXXVII.—*An Act to revise and extend "An act to authorize the issuing of Treasury notes to meet the current expenses of the Government," approved the twenty-first of May, eighteen hundred and thirty-eight. (a)*

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, with the approbation of the President of the United States, is hereby authorized to cause to be issued the remainder of the Treasury notes authorized to be issued by the act to authorize the issuing of Treasury notes to meet the current expenses of the Government," approved the twenty-first day of May, eighteen hundred and thirty-eight, according to the provisions of said act, at any time prior to the thirtieth day of June next, any limitation in the act aforesaid or in the act "to authorize the issuing of Treasury notes," approved the twelfth day of October, eighteen hundred and thirty-seven, to the contrary notwithstanding.

APPROVED, March 2, 1839.

STATUTE III.

March 2, 1839.

Act of May 21, 1838, ch. 82.

Sec. Treas. to cause to be issued the remainder of the Treasury notes authorized by act of 21st May 1838, ch. 82.

1837, ch. 2.

CHAP. LXX.—*An Act to provide for the erection of public buildings in the Territory of Florida.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty thousand dollars be, and the same is hereby, granted to the Territory of Florida, out of any money in the Treasury not otherwise appropriated, for the purpose of defraying the expenses of erecting a suitable State House or public buildings in the Territory of Florida, for the use and accommodation of the Territorial Legislature of said Territory; and in which building, when erected and completed, the office of the Secretary of said Territory shall be kept, and also the public records and archives of said Territory.

SEC. 2. *And be it further enacted,* That the said sum of money appropriated by the first section of this act shall be paid over to the Treasurer of said Territory on the order of the Governor, and shall be expended for the purpose aforesaid, under the direction of the Governor and Legislative Council, and in such way and manner and at such times as they shall, by law or resolution for that purpose, prescribe: *Provided,* That the passage of this law shall not at any time be held as an engagement on the part of the United States for any further appropriation to the objects hereinbefore mentioned.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

[Obsolete.]

Appropriation to Florida for the erection of public buildings.

To be paid to the Treasurer of the Territory on the order of the Governor, &c.

Proviso.

CHAP. LXXI.—*An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year one thousand eight hundred and thirty-nine.*

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, for the year one thousand eight hundred and thirty-nine, for the purpose of paying the current

STATUTE III.

March 3, 1839.

[Obsolete.]

(a) Notes of the acts which have been passed relative to the issuing of Treasury notes, vol. 3, 100.

expenses of the Indian department, fulfilling treaty stipulations with the various Indian tribes, and contingent expenses; to be paid out of any money in the Treasury not otherwise appropriated:

For the current and contingent expenses of the Indian department, viz.:

Pay of superintendent and agents.

1834, ch. 162.

1837, ch. 31.

Sub-agents.

1834, ch. 162.

Interpreters.

For the pay of the superintendent of Indian affairs at St. Louis, and the several Indian agents, as provided by the acts of June thirtieth, eighteen hundred and thirty-four, and of March third, eighteen hundred and thirty-seven, sixteen thousand five hundred dollars;

For pay of sub-agents, authorized by the act of June thirtieth, eighteen hundred and thirty-four, thirteen thousand dollars;

For the pay of interpreters, as authorized by the same act, nine thousand three hundred dollars;

Presents to Indians.

For presents to Indians authorized by the same act, five thousand dollars;

Provisions for Indians.

For the purchase of provisions for Indians, at the distribution of annuities, while on visits of business with the superintendents and agents, and when assembled on public business, eleven thousand eight hundred dollars;

Buildings at the agencies.

For the necessary buildings required at the several agencies, and repairs thereof, ten thousand dollars;

Expenses of Indian dep't.

For postages, rents, stationery, fuel for offices, and other contingencies of the Indian department, and for transportation and incidental expenses, thirty-six thousand five hundred dollars;

Clerk to superintend Indian affairs.

For the salary of one clerk in the office of the superintendent of Indian affairs, south of the Missouri river, one thousand dollars;

Six Nations of New York.

For carrying into effect the stipulations of certain Indian treaties, and the laws connected therewith, viz.:

Senecas of New York.

For the Six Nations of New York, four thousand five hundred dollars;

Ottawas.

For the Senecas of New York, six thousand dollars;

Wyandots.

For the Ottawas, four thousand three hundred dollars;

Munsees and Delawares.

For the Wyandots, six thousand eight hundred and forty dollars;

Christian Indians.

For the Wyandots, Munsees, and Delawares, one thousand dollars;

Miamies.

For the Christian Indians, four hundred dollars;

Eel Rivers.

For the Miamies, forty thousand one hundred and ten dollars;

Pottawatamies.

For the Eel Rivers, one thousand one hundred dollars;

Pottawatamies of Huron.

For the Pottawatamies, twenty thousand two hundred dollars;

Pottawatamies of the Prairie.

For the Pottawatamies of Huron, four hundred dollars;

Pottawatamies of the Wabash.

For the Pottawatamies of the Prairie, sixteen thousand dollars;

Pottawatamies of Indiana.

For the Pottawatamies of the Wabash, twenty thousand dollars;

Chippewas, Ottawas, and Pottawatamies.

For the Pottawatamies of Indiana, seventeen thousand dollars;

Winnebagoes.

For the Chippewas, Ottawas, and Pottawatamies, thirty-four thousand two hundred and ninety dollars;

Menomonies.

For the Winnebagoes, ninety-two thousand eight hundred and sixty dollars;

Chippewas of the Mississippi.

For the Menomonies, thirty-two thousand six hundred and fifty dollars;

Chippewas of Saginaw.

For the Chippewas of the Mississippi, thirty-five thousand dollars;

Chippewas, Menomonies, and New York Indians.

For the Chippewas of Saginaw, five thousand eight hundred dollars;

&c.

For the Chippewas, Menomonies, Winnebagoes, and New York Indians, fifteen hundred dollars;

Sioux of the Mississippi.

For the Sioux of the Mississippi, forty-two thousand five hundred and ten dollars;

Yancton and Santie Sioux.

For the Yancton and Santie Sioux, four thousand three hundred and forty dollars;

Omahas.

For the Omahas, three thousand nine hundred and forty dollars;

Sacs and Foxes of the Missouri.

For the Sacs and Foxes of the Missouri, twelve thousand five hundred and seventy dollars;

For the Iowas, eight thousand nine hundred and fifty dollars;	Iowas.
For the Sacs and Foxes of the Mississippi, fifty-four thousand five hundred and forty dollars;	Sacs and Foxes of the Mississippi.
For the Sacs, Foxes, Sioux, Iowas, Omahas, and Ottoes and Missourias, three thousand dollars;	Sacs, Foxes, Sioux, Iowas, &c.
For the Ottoes and Missourias, five thousand six hundred and forty dollars;	Ottoes and Missourias.
For the Kansas, six thousand and forty dollars;	Kansas.
For the Osages, fourteen thousand four hundred and ninety-six dollars;	Osages.
For the Kickapoos, five thousand five hundred dollars;	Kickapoos.
For the Kaskaskias and Peorias, three thousand dollars;	Kaskaskias and Peorias.
For the Piankeshaws, eight hundred dollars;	Piankeshaws.
For the Weas, three thousand dollars;	Weas.
For the Delawares, ten thousand four hundred and forty-four dollars;	Delawares.
For the Shawnees, seven thousand one hundred and eighty dollars;	Shawnees.
For the Senecas and Shawnees, two thousand and sixty dollars;	Senecas and Shawnees.
For the Senecas, two thousand six hundred and sixty dollars;	Senecas.
For the Choctaws, fifty-seven thousand six hundred and twenty-five dollars;	Choctaws.
For the Chickasaws, six thousand dollars;	Chickasaws.
For the Creeks, forty-six thousand four hundred and forty dollars;	Creeks.
For the Quapaws, four thousand six hundred and sixty dollars;	Quapaws.
For the Florida Indians, nine thousand six hundred and ten dollars;	Florida Indians.
For the Pawnees, twelve thousand dollars;	Pawnees.
For the Cherokees, seven thousand six hundred and forty dollars;	Cherokees.
For the Ottawas and Chippewas, sixty-two thousand four hundred and sixty-five dollars;	Ottawas and Chippewas.
For the Caddoes, ten thousand dollars;	Caddoes.
For the following expenditures in the Indian Department, the appropriations having been carried to the surplus fund on the thirty-first December last, viz :	Re-appropriations.
For blacksmiths' establishments, twenty-seven thousand five hundred and eight dollars and sixty-six cents;	Blacksmiths' establishment.
For treaty stipulations, fifteen thousand four hundred and thirty-two dollars and eighty-four cents;	Treaty stipulations.
For the expenses of treating with the Chippewas of Saganaw, ninety-seven dollars and thirteen cents;	Treaty with the Chippewas of Saganaw.
For the expenses of Indian deputations, two thousand six hundred and thirty dollars;	Indian deputations.
For the education of Indian youths, twenty thousand five hundred and forty-one dollars and twenty-five cents;	Education of Indian youths.
For holding treaties with certain Indian tribes, four hundred and forty-seven dollars and fifty cents;	Holding treaties.
For locating reservations, two hundred and five dollars and thirteen cents;	Locating reservations.
For purchase of rifles for the Pottawatamies, one hundred and twelve dollars and thirty-eight cents;	Rifles for Pottawatamies.
For carrying into effect the treaty with the Ottawas and Chippewas, forty-three thousand seven hundred and four dollars and twenty-four cents;	Treaty with Ottawas and Chippewas.
For the removal of the Choctaws from Mississippi, nineteen thousand nine hundred and ten dollars;	Removal of Choctaws.
For the removal and subsistence of Indians, seventy-seven thousand eight hundred and fifty-five dollars and seventy cents.	Removal and subsistence of Indians.
For carrying into effect the treaty with the Miami Indians of the sixth of November, eighteen hundred and thirty-eight, viz :	Treaty with the Miamies.
For the payment to be made upon the ratification of the treaty by a provision contained in the third article of the same, sixty thousand dollars;	Payment upon ratification.

First annual instalment.

For the first of ten annual instalments stipulated to be paid by the same article, twelve thousand five hundred and sixty-eight dollars;

Payment of claims.

For the payment of claims provided for in the fourth and fifth articles, one hundred and fifty thousand dollars;

Valuing buildings, &c.

For the expenses of valuing buildings and improvements upon the ceded lands, and for the erection of others, as stipulated by the seventh article, three thousand three hundred dollars;

Surveying and marking boundary lines.

For the expenses of surveying and marking the boundary lines of the Miami lands in the State of Indiana, as stipulated by the ninth article, two hundred dollars;

Examination of claims.

For the expenses attending the examination of claims which have accrued since the twenty-third day of October, eighteen hundred and thirty-four, two thousand five hundred dollars;

Claims under treaty of 10th Nov. 1837.

For the expenses of the commission to examine claims under the treaty with the Miamies of the tenth day of November, eighteen hundred and thirty-seven, not covered by the former appropriation for that object, two thousand dollars;

Corn crop abandoned by Pottawatamies.

For the payment to the Pottawatamies of Indiana for the corn crop abandoned by them upon their emigration west of the Mississippi, which was appraised by agents appointed by the Government, seven hundred and forty-two dollars and fifty cents;

Log houses of Pottawatamies.

For the payment to the same Indians of the value of twelve log houses, appraised in the same manner, and destroyed before their removal, six hundred dollars;

Removal, &c. of Pottawat's.

For the expenses of the removal and subsistence of these Indians, fifty thousand dollars;

Fencing, &c. for the Omahas.

For the expense of fencing and breaking up ground for tillage for the Omaha Indians, as stipulated by the third article of the treaty with them of eighteen hundred and thirty-six, in addition to the sum of twelve hundred dollars appropriated in the year eighteen hundred and thirty-seven, eight hundred dollars;

Farmer for the Omahas.

For the salary of the farmer to be supported among the said Indians, as stipulated by the same article of the same treaty, eight hundred dollars;

Claims under the treaty with the Sacs and Foxes of Mississippi.

For the balance of the expenses incurred by the commission for the examination of claims under the second article of the treaty with the Sacs and Fox Indians of Mississippi, of October eighteen hundred and thirty-seven, over and above the former appropriation for that object, one thousand five hundred dollars;

A miller for the Sacs and Foxes of Mississippi.

For the support of a miller for the Sacs and Fox Indians of Mississippi, as stipulated by the third article of the treaty of September eighteen hundred and thirty-six, six hundred dollars;

Procuring rations.

For the expenses of procuring rations for these Indians for one year, as stipulated by the third article of the same treaty, over and above the provision heretofore made for that object, fourteen thousand six hundred and fifty-seven dollars and thirty-seven cents;

Examination of claims, &c.

For the balance of the expenses incurred in examining claims under the second article of the treaty of September eighteen hundred and thirty-seven, with the Sioux Indians, by the commission appointed for that purpose, over and above the former appropriation for that object, five hundred dollars;

Commissioner and clerk to re-examine claims.

For compensation to a commissioner and clerk to be appointed to re-examine the claims under the last mentioned treaty, the re-examination to be made in the Indian country, five thousand five hundred dollars;

Frauds in Creek reservations.

For the payment of the expenses of the investigation into frauds practised in the reservations of the Creek Indians for the year eighteen hundred and thirty-nine, five thousand dollars;

Removal and subsistence of Creeks.

For the payment of the expenses of the removal and subsistence of the Creek Indians, to be applied in payment of claims settled by the

accounting officers, and to reimburse to other appropriations funds used for the removal and subsistence of these Indians, including outstanding claims not yet settled, eighty-five thousand dollars;

For carrying into effect the treaty with the Creek Indians of the twenty-third day of November, eighteen hundred and thirty-eight, viz :

To make the payment in stock animals, stipulated to be made by the second article of the said treaty, fifty thousand dollars;

To pay the interest at five per cent. for one year, upon the sum of three hundred and fifty thousand dollars, pursuant to the stipulations of the third article of the said treaty, seventeen thousand five hundred dollars;

To pay the claims of the McIntosh party, pursuant to the stipulations in the fifth article of the said treaty, twenty-one thousand one hundred and three dollars and thirty-three cents;

To purchase stock animals for the Creeks removed as hostiles, as stipulated by the sixth article of the treaty, ten thousand dollars;

To meet the expenses of the purchase and distribution of the stock animals, according to the requirements of the second and sixth articles, three thousand dollars;

For the payment to the Cherokee Indians of the value of the improvements upon the Missionary reservations, pursuant to a stipulation in the fourth article of the treaty of December eighteen hundred and thirty-five, in addition to the former appropriation for that object, fifteen thousand one hundred and eleven dollars and seventy-five cents;

For compensation to the commissioners under the above treaty, in addition to the appropriations of eighteen hundred and thirty-six and eighteen hundred and thirty-eight for that object, eight thousand dollars; to be applied only to the payment of expenses incurred prior to the twenty-third day of May, eighteen hundred and thirty-eight;

For carrying into effect the treaty of the seventh day of February eighteen hundred and thirty-nine, with the Chippewas of Saganaw, viz :

For the payment of the purchase money of forty acres of land ceded by the first article of the treaty, three hundred and twenty dollars;

For the expenses incurred in the negotiation of the treaty, one hundred and twenty-five dollars;

For carrying into effect the treaty with the Great and Little Osages of the eleventh day of January eighteen hundred and thirty-nine, viz :

For the payment of the annuity stipulated in the second article, twenty thousand dollars;

For the support of two blacksmith establishments, building a grist and saw mill, pay of attendants and assistants, tools for the mills, and the erection of mill-houses, seven thousand eight hundred dollars;

For furnishing cows, calves, hogs, ploughs, harnesses, axes, and hoes, as stipulated by the treaty, seven thousand three hundred dollars;

For the erection of houses for chiefs, and furnishing wagons, carts, oxen, and chains, as stipulated by the treaty, six thousand nine hundred and eighty dollars;

For the payment of claims for depredations, thirty thousand dollars;

For the expenses of a commissioner to examine and settle those claims, two thousand five hundred dollars;

For the payment of the purchase money for reservations, forty-three thousand five hundred and twenty dollars;

For the reimbursement of the annuity deducted in the year eighteen hundred and twenty-five, three thousand dollars;

For the reimbursement to the Clermont band of the annuity deducted in the year eighteen hundred and twenty-nine, three thousand dollars;

For the payment to the Ioway Indians of the interest at five per cent. for one year, upon the sum of one hundred and fifty-seven thousand five

Treaty with the Creeks.

Payment in stock animals.

Interest.

Claims of the M^cIntosh party.

Stock animals for hostile Creeks.

Purchase and distribution of stock animals.

Payment to Cherokees.

Compensation to commiss^{rs}.

Treaty with the Chippewas of Saganaw.

Payment for land.

Expenses of treaty.

Treaty with the Great and Little Osages.

Payment of annuity. Blacksmith establishments, grist-mill, &c.

Cows, &c.

Erection of houses, &c.

Claims for depredations.

Commissioner to examine and settle claims.

Payment for reservations.

Reimbursement of an annuity.

Reimbursement to the Clermont band of an annuity.

Interest to be paid to the Iowas.

hundred dollars, seven thousand eight hundred and seventy-five dollars;

Houses for Iowa chiefs.

For building ten houses for the Ioway chiefs as per stipulation of the treaty, two thousand dollars;

Surveys under treaty with Delawares—locating Miamies and Winnebagoes.

For the completion of the surveys under the treaty with the Delaware Indians, and for the expenses of locating the Miamis and Winnebagoes, two thousand dollars;

Purchase of a reservation to Wa-pan-seh.

To enable the Executive to purchase from Wa-pan-seh, a Pottawatomie, five sections of land reserved for him by the second article of the treaty of the twentieth of October, eighteen hundred and thirty-two, four thousand dollars;

Expenses of treaty with Stockbridge Indians.

For defraying the expenses of holding a treaty, under the direction of the Secretary of War, with the Stockbridge Indians, two thousand dollars;

Vaccination of Indians.

For the employment of physicians to vaccinate the Indians, to be expended under the direction of the Secretary of War, five thousand dollars;

Expenses of delegations from the Stockbridge, Munsee, and Seneca Indians.

For paying the travelling expenses and board while detained in the city of Washington, of the delegations of the Stockbridge, Munsee, and Seneca tribes of Indians, in proportion to the distance they have travelled or may travel in returning to their respective tribes, a sum not exceeding two thousand dollars;

Making maps showing the position of lands of Indians at amity with U.S.

To enable the Secretary of War to have executed under his direction twelve maps for the use of the War Department and of the Senate, showing the position of the lands of each Indian tribe in amity with the United States, one thousand dollars;

Boundaries between Indian tribes west of the Mississippi.

For defraying the expenses of surveying and marking the boundaries between the Indian tribes west of the Mississippi, ten thousand dollars.

2d section act 28th May, 1830, ch. 148, repealed.

SEC. 2. *And be it further enacted*, That the second section of an act passed the twenty-eighth day of May, eighteen hundred and thirty, entitled "An act to provide for an exchange of lands with the Indian tribes residing within any of the States or Territories, and for their removal west of the river Mississippi," be, and the same is hereby, repealed.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

[Obsolete.]

For the further survey, &c. of the Neenah and Wisconsin.

CHAP. LXXII.—*An Act to authorize the construction of certain improvements in the Territory of Wisconsin and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the further survey and estimate of the cost of improving the navigation of the Neenah and Wisconsin rivers and connecting the same by a navigable canal or water communication, two thousand dollars be, and the same are hereby appropriated; and that the following sums of money be, and the same are hereby, appropriated for the construction of roads in the Territory of Wisconsin, to wit:

Appropriations for roads.

For the construction of a road from Racine, by Janesville, to Sinipee, on the Mississippi, ten thousand dollars;

For the survey and construction of a road from Sauk harbor, on Lake Michigan, to Dekorree, on the Wisconsin river, five thousand dollars;

From Fond du Lac to Wisconsin river.

For the construction of a road from Fond du Lac, on lake Winnebago, by Fox lake, to the Wisconsin river, five thousand dollars.

Appropriation by act 7th July, 1838, ch. 190, for a railroad,

SEC. 2. *And be it further enacted*, That the sum of two thousand dollars, appropriated by the act of the seventh of July, eighteen hundred and thirty-eight, entitled "An act making appropriations for certain roads in the Territory of Wisconsin" for a railroad, shall be applied by

the Secretary of War to the survey of the most eligible route for a railroad from the town of Milwaukee, on lake Michigan, to such point on the Mississippi river as may be deemed most expedient.

APPROVED, March 3, 1839.

to be applied to the survey for a railroad from Milwaukee to the Mississippi.

CHAP. LXXIII.—*An Act to repeal the second section of "An act to extend the time for locating Virginia military land warrants and returning surveys thereon to the General Land Office," approved July seventh, eighteen hundred and thirty-eight. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of "An act to extend the time for locating Virginia military land warrants and returning surveys thereon to the General Land Office," approved July seventh, eighteen hundred and thirty-eight, be, and the same is hereby repealed.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

Second section act 7th July, 1838, ch. 166, repealed.

CHAP. LXXIV.—*An Act for the relief of umbrella-makers.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be refunded, out of the Treasury, to such umbrella-makers as have imported umbrella-stretchers since the passage of the act entitled "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth day of July, A. D. eighteen hundred and thirty-two, all excess of duty, beyond what such importers would have been required to pay, if the provisoes contained in the tenth and twelfth clauses of the second section of said act had at all times since its passage been suspended in their operation in the same manner as they were suspended by the act of the second of March, A. D. eighteen hundred and thirty-three, entitled "An act to explain and amend the several acts imposing duties on imports, passed the fourteenth of July, one thousand eight hundred and thirty-two, so far as relates to hardware and certain manufactures of copper and brass and other articles," and by other subsequent acts of like character.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

[Obsolete.]

All excess of duty beyond what would have been required if the provisoes of 10th and 12th clauses of 2d sec. act 14th July, 1832, ch. 227, had at all times been suspended in their operation, as they were by act 2d March, 1833, ch. 62, refunded, &c.

CHAP. LXXV. — *An Act to authorize the Secretary of the Navy to purchase a tract of land belonging to the heirs of John Harris, deceased, being within the limits of the navy yard in Charlestown, Massachusetts. (b)*

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 required to purchase certain lands situated within the limits of the navy yard in Charlestown, in the

STATUTE III.

March 3, 1839.

[Obsolete.]

Sec. Navy to purchase certain lands in Charlestown.

(a) See notes of the acts which have been passed relating to Virginia military land warrants, vol. 1, 461, vol. 3, 612.

(b) Certain streets were laid out by the town of Charlestown, Massachusetts; and the proceedings relative to the same were afterwards confirmed by an act of the Legislature. The streets passed over the land of John Harris; and he afterwards received a compensation from the town for taking the land occupied by the streets. In 1800, the United States, under the authority of an act of the Legislature of Massachusetts, purchased of Mr. Harris several parcels of land, now occupied as a navy yard. And in 1801, by an arrangement between the town of Charlestown and the United States, the streets, so far as they were within the limits of the navy yard, were closed up, and have ever since been discontinued, and have been used as a part of the navy yard. The agent of the United States and Mr. Harris, not agreeing as to the value of the land taken for the navy yard, the value was ascertained and determined by a jury proceeding under a law authorizing the same, and the amount of the valuation paid to Mr. Harris by the United States. The jury did not appraise the land on which the streets were laid out. One lot of ground was appraised "with the appurtenances." This action was instituted by the heirs of Mr. Harris claiming to be paid the value of the land on which the streets had been laid out, but which had been discontinued. The defendant was the commandant of the navy yard.

By the Court. The term "appurtenances," in common parlance, and in legal acceptance, is used to signify something appertaining to another thing as principal, and which passes as incident to the principal

State of Massachusetts, said land being the property of the heirs of John Harris, late of said Charlestown, deceased.

Appraisers to be selected.

SEC. 2. *And be it further enacted*, That the price and value of said land may be fairly and justly estimated, the Secretary of the Navy is hereby authorized to agree with said heirs in selecting and choosing three disinterested, discreet, suitable men, who, after being sworn, and having fully examined said land, shall estimate and appraise the same: *Provided*, It can be purchased for a reasonable sum.

Proviso.

Good and sufficient deed to be given to the United States.

SEC. 3. *And be it further enacted*, That, when the appraisal shall be made known to the Secretary aforesaid, and a good and sufficient deed of the same land shall be tendered or given to the United States by the said heirs, then the Secretary of the Navy shall pay said heirs the amount of said appraisal, being the consideration for the premises, out of any money in the Treasury not otherwise appropriated.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

[Obsolete.]

CHAP. LXXVI.—*An Act making appropriations for building a pier at the northern extremity of Winnebago lake, and for other purposes.*

Appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the security of the navigation of the commerce of the United States, the following sums be, and the same hereby are, appropriated to be paid out of any money in the Treasury not otherwise appropriated, and to be applied to the following objects:

Pier at northern extremity of Winnebago lake.

Buoys at the mouth of Neenah river.

For building a pier at the northern extremity of Winnebago lake, in the Territory of Wisconsin, the sum of five hundred dollars;

For placing buoys at the mouth of Neenah river, at the head of Green bay, in said Territory, to mark the channel thereof, the sum of five hundred dollars.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

CHAP. LXXVII.—*An Act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon.*

Grant of land to Iowa for the erection of public buildings.

Proviso.

Further proviso.

Lands reserved, &c.

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 and granted to the Territory of Iowa, one entire section of land, of any of the surveyed public lands in said Territory, for the purpose of erecting thereon the public buildings for the use of the Executive and Legislative departments of the Government of the said Territory: *Provided*, That the said section of land shall be selected under the authority of the Territorial Legislature, the seat of Government located thereon, and notice of said selection officially returned to the register of the land office in the district in which the land is situated within one year from the passing of this act: *And provided, further*, That nothing herein contained shall authorize the selection of the sixteenth section in any township reserved for the use of schools, nor of any lot reserved for public purposes; and that in the selection to be made as aforesaid, no pre-existing improvement or right to pre-emption recognized by law, shall be prejudiced thereby.

SEC. 2. *And be it further enacted*, That if, at the time of the selection of the section of land to be made as aforesaid, the contiguous sec-

thing. Land cannot be appurtenant to land. The soil and freehold of the streets did not pass to the United States, under and by virtue of the term "appurtenances."

The right of the plaintiffs to the freehold of the streets is not barred by the first section of the act of the Legislature of Massachusetts of 30th October, 1781.

The law in Massachusetts is well settled, that where a mere easement is taken for a public highway, the soil and freehold remain in the owner of the land, encumbered only with the easement; and that upon the discontinuance of the highway, the soil and freehold revert to the owner of the land. *Harris and others v. Elliott*, 10 Peters, 25.

tions thereto have not been made subject to public sale, or being so subject have not been sold at public sale or by private entry, then each and every section contiguous to said selected section, and not so sold, shall be thereafter reserved and withheld from sale in any manner, until the further order of Congress thereon. But nothing herein expressed shall be construed to restrain the said Territory of Iowa, after appropriating a sufficient quantity of land within said selected section for the site and accommodation of the public buildings, from selling and disposing of the residue of said section in lots or otherwise, for the use of said Territory, in the erection and completion of said buildings.

APPROVED, March 3, 1839.

1842, ch. 110.

Iowa may dispose of such part of said land as is more than sufficient, &c.

CHAP. LXXVIII.—*An Act for the improvement and survey of certain rivers, and the repair of certain roads in Florida.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and the same are hereby, appropriated, to be paid out of any money in the Treasury, not otherwise appropriated, for the purposes herein specified, that is to say,

For the removal of obstructions at the mouth of the Suwannee river, and for the survey of the said river, with a view to its improvement, fifteen thousand dollars;

For the survey of Yellow river, Florida, to ascertain the practicability and cost of removing the rafts which obstruct its navigability, five hundred dollars;

For the repair, including the alteration if necessary, of the road from Jacksonville, by the way of Garey's ferry, to Newmansville, Florida, five thousand dollars;

For the construction of a road from Jacksonville to St. Mary's, Florida, in part or in whole upon the route of the existing road, as may be found expedient, seven thousand five hundred dollars; all which sums shall be expended under the direction of the Secretary of War.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

[Obsolete.]

Removal of obstructions and survey of Suwannee riv.
Survey of Yellow river.

Repair of road from Jacksonville, by Garey's ferry.
Road from Jacksonville to St. Mary's.

CHAP. LXXIX. — *An Act granting to the judges of the supreme court of Iowa the same compensation as by law is given to the judges of the supreme court of Wisconsin.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the commencement of the next quarter, after the passage of this act, the judges of the supreme court of the Territory of Iowa shall receive the same salary as is now received by the judges of the Territory of Wisconsin.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

[Obsolete.]

Act of April 20, 1836, ch. 54, sec. 11.

STATUTE III.

March 3, 1839.

CHAP. LXXX. — *An Act to provide for taking the sixth census or enumeration of the inhabitants of the United States. (a)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the marshals of the several districts of the United States, and of the District of Columbia, and of the Territories of Wisconsin, Iowa, and of Florida, respectively, shall be, and are hereby, required, under the direction of the Secretary of the Department of State, and according to such instructions as he shall give, pursuant to this act, to cause the number of the inhabitants within their respective districts and territories (omitting, in

Act of Feb. 26, 1840, ch. 3.
Act of Jan. 14, 1841, ch. 3.
Act of Sept. 1, 1841, ch. 15.
Resolution of Sept. 1, 1841.
Resolution of April 14, 1842.
Number of inhabitants to be taken, &c.

(a) Notes of acts providing for the enumeration of the inhabitants of the United States, vol. 1, 101.

such enumeration, Indians not taxed) to be taken according to the directions of the act. The said enumeration shall distinguish the sexes of all free white persons, and ages of the free white males and females, respectively, under five years of age; those of five and under ten years of age; those of ten years and under fifteen; those of fifteen and under twenty; those of twenty and under thirty; those of thirty and under forty; those of forty and under fifty; those of fifty and under sixty; those of sixty and under seventy; those of seventy and under eighty; those of eighty and under ninety; those of ninety and under one hundred; those of one hundred and upwards: and shall further distinguish the number of those free white persons included in such enumeration who are deaf and dumb, under the age of fourteen years; and those of the age of fourteen years and under twenty-five; and of the age of twenty-five and upwards; and shall further distinguish the number of those free white persons included in such enumeration who are blind; and also in like manner of those who are insane, or idiots, distinguishing further such of the insane and idiots as are a public charge. The said enumeration shall distinguish the sexes of all free colored persons, and of all other colored persons bound to service for life or for a term of years and the ages of such free and other colored persons, respectively, of each sex, under ten years of age; those of ten and under twenty-four; those of twenty-four and under thirty-six; those of thirty-six and under fifty-five; those of fifty-five and under one hundred; and those of one hundred and upwards: and shall further distinguish the number of those free colored and other colored persons included in the foregoing who are deaf and dumb, without regard to age, and those who are blind and also in like manner of those who are insane or idiots, distinguishing further such of the insane and idiots as are a public charge. For effecting which the marshals aforesaid shall have power, and are hereby required, to appoint one or more assistants in each city and county in their respective districts and territories, residents of such city or county for which they shall be appointed: and shall assign to each of the said assistants a certain division of territory; which division shall not consist, in any case, of more than one county, but may include one or more towns, townships, wards, hundreds, precincts, or parishes, and shall be plainly and distinctly bounded. The said enumeration shall be made by an actual inquiry by such marshals or assistants, at every dwelling house, or by personal inquiry of the head of every family. The marshals and their assistants shall, respectively, before entering on the performance of their duty under this act, take and subscribe an oath or affirmation before some judge or justice of the peace resident within their respective districts or territories, for the faithful performance of their duties. The oath or affirmation of the marshal shall be as follows: "I, A B, marshal of the district (or territory) of ———, do solemnly swear (or affirm) that I will truly and faithfully cause to be made a full and perfect enumeration and description of all persons resident within my district, (or territory,) and return the same to the Secretary of State, agreeably to the directions of an act of Congress entitled 'An act to provide for taking the sixth census or enumeration of the inhabitants of the United States,' according to the best of my ability." The oath or affirmation of an assistant shall be as follows: "I, A B, appointed an assistant to the marshal of the district (or territory) of ———, do solemnly swear (or affirm) that I will make a just, faithful, and perfect enumeration and description of all persons resident within the division assigned to me for that purpose by the marshal of the district (or territory) of ———, and make due return thereof to the said marshal, agreeably to the directions of an act of Congress entitled 'An act to provide for taking the sixth census or enumeration of the inhabitants of the United States,' according to the best of my

Whites.
Age and sex.

Deaf and
dumb.

Blind.

Insane and
idiots.
Colored.

Age and sex of
free and slaves.

Deaf and
dumb.
Blind.
Insane and
idiots.
Marshals may
appoint assist-
ants.

Enumeration
to be made by
actual inquiry.

Marsals and
assistants to
take an oath,
&c.

Form of mar-
shal's oath.

Form of assist-
ants' oath.

ability, and that I will take the said enumeration and description by actual inquiry at every dwelling house within said division, or personal inquiry of the head of every family, and not otherwise." The enumeration shall commence on the first day in June, in the year one thousand eight hundred and forty, and shall be completed and closed within ten calendar months thereafter. The several assistants shall, within nine months, and on or before the first day of October, one thousand eight hundred and forty, deliver to the marshals by whom they shall be appointed, respectively, two copies of the accurate returns of all persons, except Indians not taxed, to be enumerated as aforesaid, within their respective divisions; which returns shall be made in a schedule, and which shall distinguish, in each county, city, town, township, ward, precinct, hundred, district, or parish, according to the civil divisions of the States or Territories, respectively, the several families, by the name of the head thereof.

Enumeration, when to commence.

Form of return.

SEC. 2. *And be it further enacted*, That every assistant failing, or neglecting to make a proper return, or making a false return of the enumeration to the marshal, within the time limited by this act, shall forfeit the sum of two hundred dollars, recoverable in the manner pointed out in the next section hereof.

Penalty.

SEC. 3. *And be it further enacted*, That the marshals shall file one copy of each of the several returns aforesaid, and, also, an attested copy of the aggregate amount hereinafter directed, to be transmitted by them, respectively, to the Secretary of State, with the clerks of their respective districts or superior courts, as the case may be, who are hereby directed to receive, and carefully to preserve, the same; and the marshals, respectively, shall, on or before the first day of December, in the year one thousand eight hundred and forty, transmit to the Secretary of State one copy of the several returns received from each assistant, and, also, the aggregate amount of each description of persons within their respective districts or territories; and every marshal failing to file the returns of his assistants, or the returns of any of them, with the clerks of the respective courts, as aforesaid, or failing to return one copy of the several returns received from each assistant, and, also, the aggregate amount of each description of persons in their respective districts or territories, as required by this act, and as the same shall appear from said returns, to the Secretary of State, within the time limited by this act, shall, for every such offence, forfeit the sum of one thousand dollars; which forfeiture shall be recoverable in the courts of the districts or territories where the said offences shall be committed, or within the circuit courts held within the same, by action of debt, information, or indictment; the one half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use; and, for the more effectual discovery of such offences, the judges of the several district courts in the several districts, and of the supreme courts in the territories of the United States, as aforesaid, at their next session to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed to the Secretary of State, shall give this act in charge to the grand juries in their respective courts, and shall cause the returns of the several assistants, and the said attested copy of the aggregate amount, to be laid before them for their inspection. And the respective clerks of the said courts shall, within thirty days after the said original returns shall have been laid before the grand juries aforesaid, transmit and deliver all such original returns, so filed, to the department of State.

Marshals to file one copy of returns, &c.

Forfeit for neglect. Where recoverable.

The judges shall give this act in charge to grand juries, &c.

Clerks to transmit to the Dep't of State.

SEC. 4. *And be it further enacted*, That every assistant shall receive at the rate of two dollars for every hundred persons by him returned, where such persons reside in the country; and where such persons re-

Compensation of assistants.

	side in a city or town containing more than three thousand persons, such assistant shall receive at the same rate for three thousand, and at the rate of two dollars for every three hundred persons over three thousand, residing in such city or town; but where, from the dispersed situation of the inhabitants in some divisions, two dollars will not be sufficient for one hundred persons, the marshals, with the approbation of the judges of their respective districts or territories, may make such further allowance to the assistants in such divisions as shall be deemed an adequate compensation: <i>Provided</i> , The same does not exceed two dollars and fifty cents, for every fifty persons by them returned: <i>Provided, further</i> , That before any assistant as aforesaid, shall, in any case, be entitled to receive said compensation, he shall take and subscribe the following oath or affirmation, before some judge or justice of the peace, authorized to administer the same, to wit: "I, A B, do solemnly swear (or affirm) that the number of persons set forth in the return made by me, agreeably to the provision of the act entitled 'An act to provide for taking the sixth census or enumeration of the inhabitants of the United States,' have been ascertained by an actual inquiry at every dwelling-house, or a personal inquiry of the head of every family, in exact conformity with the provisions of said act; and that I have, in every respect, fulfilled the duties required of me by said act, to the best of my abilities; and that the return aforesaid is correct and true, according to the best of my knowledge and belief."
Proviso.	
Further proviso.	
Form of oath.	
Compensation to marshals.	The compensation of the several marshals shall be as follows:
Maine.	The marshal of the district of Maine, four hundred dollars;
N. Hampshire.	The marshal of the district of New Hampshire, four hundred dollars;
Massachus'ts.	The marshal of the district of Massachusetts, four hundred and fifty dollars;
Rhode Island.	The marshal of the district of Rhode Island, two hundred and fifty dollars;
Vermont.	The marshal of the district of Vermont, four hundred dollars;
Connecticut.	The marshal of the district of Connecticut, three hundred and fifty dollars;
New York, Southern dist.	The marshal of the southern district of New York, four hundred and fifty dollars;
New York, Northern dist.	The marshal of the northern district of New York, four hundred and fifty dollars;
New Jersey.	The marshal of the district of New Jersey, three hundred and fifty dollars;
Pennsylvania, Eastern dist.	The marshal of the eastern district of Pennsylvania, four hundred dollars;
Pennsylvania, Western dist.	The marshal of the western district of Pennsylvania, four hundred dollars;
Delaware.	The marshal of the district of Delaware, two hundred and twenty-five dollars;
Maryland.	The marshal of the district of Maryland, four hundred and fifty dollars;
Virginia, Eastern district.	The marshal of the eastern district of Virginia, four hundred dollars;
Virginia, Western dist.	The marshal of the western district of Virginia, four hundred dollars;
Kentucky.	The marshal of the district of Kentucky, four hundred and fifty dollars;
N. Carolina.	The marshal of the district of North Carolina, four hundred and fifty dollars;
S. Carolina.	The marshal of the district of South Carolina, four hundred and fifty dollars;
Georgia.	The marshal of the district of Georgia, four hundred and fifty dollars;
E. Tennessee.	The marshal of the district of East Tennessee, two hundred dollars;

The marshal of the district of West Tennessee, two hundred dollars;	W. Tennessee
The marshal of the middle district of Tennessee, two hundred dol-	Tennessee
lars;	Middle dist.
The marshal of the district of Ohio, five hundred dollars;	Ohio.
The marshal of the district of Indiana, four hundred and fifty dollars;	Indiana.
The marshal of the district of Illinois, three hundred dollars;	Illinois.
The marshal of the northern district of Mississippi, two hundred	Mississippi,
dollars;	Northern dist.
The marshal of the southern district of Mississippi, two hundred	Mississippi,
dollars;	Southern dist.
The marshals of the districts of Louisiana, two hundred dollars each;	Louisiana.
The marshal of the northern district of Alabama, two hundred dol-	Alabama,
lars;	Northern dist.
The marshal of the southern district of Alabama, two hundred dol-	Alabama,
lars;	Southern dist.
The marshal of the District of Columbia, one hundred and fifty dol-	District of Co-
lars;	lumbia.
The marshal of the district of Michigan, two hundred and fifty dol-	Michigan.
lars;	
The marshal of the district of Arkansas, two hundred and fifty dol-	Arkansas.
lars;	
The marshals of the Territory of Florida, respectively, fifty dollars;	Florida.
The marshals of the Territory of Wisconsin, two hundred and fifty	Wisconsin.
dollars;	
The marshals of the Territory of Iowa, two hundred and fifty dollars.	Iowa.
SEC. 5. <i>And be it further enacted,</i> That every person whose usual	Returning
place of abode shall be in any family on the said first day of June, one	transient per-
thousand eight hundred and forty, shall be returned as of such family;	sons.
and the name of every person who shall be an inhabitant of any district	
or Territory, without a settled place of residence, shall be inserted in	
the column of the schedule which is allotted for the heads of families	
in the division where he or she shall be on the said first day of January,	
and every person occasionally absent at the time of enumeration, as	
belonging to the place in which he or she usually resides in the United	
States.	
SEC. 6. <i>And be it further enacted,</i> That each and every free person	Information to
more than sixteen years of age, whether heads of families or not, be-	be given, under
longing to any family within any division, district, or Territory, made	penalty.
or established within the United States, shall be, and hereby is, obliged	
to render to the assistant of the division, if required, a true account, to	
the best of his or her knowledge, of every person belonging to such fa-	
amily, respectively, according to the several descriptions aforesaid, on	
pain of forfeiting twenty dollars, to be sued for and recovered in any	
action of debt, by such assistant; the one half to his own use, and the	How recover-
other half to the use of the United States.	able, &c.
SEC. 7. <i>And be it further enacted,</i> That each and every assistant,	
previous to making his return to the marshal, shall cause a correct copy,	Assistants to
signed by himself, of the schedule containing the number of inhabitants	set up a correct
within his division, to be set up at two of the most public places within	copy of sche-
the same, there to remain for the inspection of all concerned; for each	dule, &c.
of which copies the said assistant shall be entitled to receive five dol-	
lars: <i>Provided,</i> Proof of the schedule having been set up shall be trans-	Proviso.
mitted to the marshal, with the return of the number of persons; and	
in case any assistant shall fail to make such proof to the marshal, with	
the return of the number of persons, as aforesaid, he shall forfeit the	
compensation allowed him by this act.	
SEC. 8. <i>And be it further enacted,</i> That the Secretary of State shall	Sec. of State
be, and hereby is, authorized and required to transmit to the marshals	to transmit in-
of the several districts and Territories, regulations and instructions,	structions, &c.
	to marshals.

pursuant to this act, for carrying the same into effect; and, also, the forms contained therein of the schedule to be returned, and such other forms as may be necessary in carrying this act into execution, and proper interrogatories to be administered by the several persons to be employed in taking the enumeration.

Where a county is in two districts, &c.

SEC. 9. *And be it further enacted*, That, in those States composing two districts, where a part of a county may be in each district, such county shall be considered as belonging to that district in which the court-house of said county may be situate.

Further compensation.

SEC. 10. *And be it further enacted*, That, in all cases where the superficial content of any county or parish shall exceed twenty miles square, and the number of inhabitants in said parish or county shall not exceed three thousand, the marshals or assistants shall be allowed, with the approbation of the judges of the respective districts or territories such further compensation as shall be deemed reasonable: *Provided*, The same does not exceed four dollars for every fifty persons by them returned; and when any such county or parish shall exceed forty miles square, and the number of inhabitants in the same shall not exceed three thousand, a like allowance shall be made, not to exceed six dollars for every fifty persons so returned.

Proviso.

Aggregate to be printed.

SEC. 11. *And be it further enacted*, That when the aforesaid enumeration shall be completed and returned to the office of the Secretary of State by the marshals of the States and Territories, he shall direct the printers to Congress to print, for the use of Congress, ten thousand copies of the aggregate returns received from the marshals: *And provided*, That if any marshal, in any district within the United States or Territories, shall, directly or indirectly, ask, demand, or receive, or contract to receive, of any assistants to be appointed by him under this act, any fee, reward, or compensation, for the appointment of such assistant to discharge the duties required of such assistant under this act, or shall retain from such assistant any portion of the compensation allowed to the assistant by this act, the said marshal shall be deemed guilty of a misdemeanor in office, and shall forfeit and pay the amount of five hundred dollars for each offence, to be recovered by suit or indictment in any circuit or district court of the United States or the Territories thereof, one half to the use of the Government, and the other half to the informer; and all contracts which may be made in violation of this law, shall be void, and all sums of money or property paid, may be recovered back by the party paying the same, in any court having jurisdiction of the same.

Proviso.

Penalty.

Marshals to be allowed the postage incurred, &c.

SEC. 12. *And be it further enacted*, That there shall be allowed and paid to the marshals of the several States, Territories, and the District of Columbia, the amount of postage by them respectively paid on letters relating to their duties under this act.

A census of pensioners to be taken, &c.

SEC. 13. *And be it further enacted*, That the aforesaid marshals and their assistants shall also take a census of all persons receiving pensions from the United States for revolutionary or military services, stating their names and ages: and also shall collect and return in statistical tables, under proper heads, according to such forms as shall be furnished, all such information in relation to mines, agriculture, commerce, manufactures, and schools, as will exhibit a full view of the pursuits, industry, education and resources of the country, as shall be directed by the President of the United States. And it shall be the duty of the Secretary of State, under the direction of the President, to prepare such forms, regulations, and instructions, as shall be necessary and proper to comply with the provisions of this act.

Forms, &c. to be prepared by Sec. of State.

Appropriation.

SEC. 14. *And be it further enacted*, That the sum of twenty thou-

sand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect.

APPROVED, March 3, 1839.

CHAP. LXXXI.—*An Act to amend the act of the third of March, eighteen hundred and thirty-seven, entitled "An act supplementary to the act entitled 'An act to amend the judicial system 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 it shall be the duty of the district judge of Missouri to attend at St. Louis, on the first Monday of October annually, who shall have power to make all necessary orders touching any suit, action, appeal, writ of error, process, pleadings, or proceedings returned to the circuit court, or depending therein, preparatory to the hearing, trial, or decision of such action, suit, appeal, writ of error, process, pleadings, or proceedings; and all writs and process may be returnable to the said courts on the first Monday of October, in the same manner as to the sessions of the circuit courts directed to be held by the said act of third March, eighteen hundred and thirty-seven; and the said writs returnable to the circuit courts may also bear teste on the said first Monday of October, as though a session of said court was holden on that day. (a)

SEC. 2. *And be it further enacted,* That the district court of the United States for the district of East Tennessee shall, hereafter, be holden on the third Monday of October in each year, instead of the second Monday of October, as now prescribed by law; and that the district court of the Middle District of Tennessee shall be holden on the first Mondays of March and September, in each year; and all causes and processes shall be continued over, and be returnable to, the respective terms of said courts as hereby established; and said courts shall be holden at the places now prescribed by law, and exercise all the powers and jurisdiction they now enjoy. (b)

SEC. 3. *And be it further enacted,* That from and after the first day of June next the circuit court of the United States for the southern district of Alabama shall commence its terms on the second Monday of March and the fourth Monday of November, in each and every year; and the circuit court for the eastern district of Louisiana shall commence its terms on the first Monday of April and the third Monday of December in each and every year; and all writs, pleas, suits, recognizances, indictments and all other proceedings, civil and criminal, shall be heard, tried and proceeded with by said court, at the times herein fixed, in the same manner as if no change in the times of holding said courts had taken place.

SEC. 4. *And be it further enacted,* That the circuit and district courts of the United States for the district of Michigan, shall be held at Detroit, on the second Monday of October, instead of the first Monday in November, as heretofore established; and that all writs, pleas, suits, recognizances, indictments and all other proceedings, civil and criminal, shall be heard, tried, and proceeded with by the said court, at the times herein fixed, in the same manner as if no change in the times of holding the said court had taken place.

SEC. 5. *And be it further enacted,* That the district court of the United States for the district of Arkansas, shall be held at Little Rock on the first Monday of October, instead of the first Monday in November

STATUTE III.

March 3, 1839.

Act of March 3, 1837, ch. 34.

District judge for Missouri shall attend at St. Louis, &c.

District court for East Tennessee.

District court for Middle dist. Tennessee. All causes, &c. continued over, &c.

Circuit court for Southern dist. Alabama.

Circuit court for Eastern dist. Louisiana.

Writs, pleas, &c. how to be proceeded in.

Circuit and district courts for Michigan.

Writs, pleas, &c. how to be proceeded in.

District court for Arkansas.

(a) See notes to act of April 29, 1824, chap. 45, vol. 4, for a reference to the acts passed relating to the district court of Missouri.

(b) Act of July 4, 1840, chap. 42, sec. 3; act of April 14, 1842, chap. 20; act of May 18, 1842, chap. 30; act of March 3, 1843, chap. 74.

annually as heretofore established; and that all writs, pleas, suits, recognizances, indictments, and all other proceedings, civil and criminal, shall be heard, tried, and proceeded with by the said court, at the times herein fixed, in the same manner as if no change in the times of holding the said court had taken place.

Circuit court
for Southern
district of New
York.

SEC. 6. *And be it further enacted*, That the circuit court of the United States for the southern district of New York, shall hereafter be held on the last Monday in November instead of the last Monday in October, the time heretofore established by law; that all indictments, informations, suits or actions, and proceedings of every kind, whether of a civil or criminal nature, depending in the said court, on the first day of October next, shall thereafter have day in court, and be proceeded in, heard, tried, and determined, at the time herein appointed for holding the said court, in the same manner as they might and ought to have been done had the said court been holden at the time heretofore directed by law.

Writs, suits,
&c. returnable
to, &c.

SEC. 7. *And be it further enacted*, That all writs, suits, actions or recognizances, or other proceedings which are or shall be, instituted, served, commenced, or taken to the said Circuit Court to have been holden as heretofore directed by law, shall be returnable to, entered in, heard, tried, and have day in court, to be holden at the time by this act directed, in the same manner as might and ought to have been done had the said court been holden at the time heretofore directed by law.

Clerk district
court of South-
ern dist. N. Y.
to transmit cer-
tified copy of
dockets, &c.
1840, ch. 43, § 4.

SEC. 8. *And be it further enacted*, That it shall be the duty of the clerk of the district court of the southern district of New York, within six months after the passage of this act, to transmit a certified copy of the dockets of all judgments rendered in that court, or in the circuit court of the United States for that district, since the fourth day of March, eighteen hundred and twenty-nine, to the clerk of the supreme court of said state, in the city of New York; and on the tenth and twenty-fifth days of each month thereafter, to transmit a like certificate of all dockets of judgments as may have been rendered in either of said courts since the last certificate was transmitted.

Clerk North-
ern dist. N. Y.
to transmit, &c.
1840, ch. 43, § 4.

SEC. 9. *And be it further enacted*, That it shall be the duty of the clerk of the northern district of said State within six months after the passage of this act to transmit a certified copy of all judgments rendered and docketed in that court, either as a district court, or as a circuit court, and of all judgments in the circuit court of the United States for that district, docketed since the fourth day of March, eighteen hundred and twenty-nine, to the clerk of the supreme court of said State at Utica; and on the tenth and twenty-fifth days of each month thereafter, to transmit a like certificate of all such dockets of judgments as may have been rendered in either of said courts since the last certificate was transmitted.

Judgments.
1840, ch. 43, § 4.

SEC. 10. *And be it further enacted*, That every judgment which shall have been rendered either in the district or circuit courts aforesaid, previous to the passage of this act, shall, as against subsequent purchasers or incumbrances, cease to be a lien upon the real estate or chattels real of the person or persons against whom such judgments may have been rendered respectively, at the expiration of five years from the passage of this act; and every judgment to be hereafter rendered in either of said courts, shall, as against subsequent purchasers or incumbrances, cease to be a lien upon the real estate or chattels real of any person or persons against whom such judgment shall be rendered at the expiration of ten years, from and after the day of docketing such judgments respectively.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

CHAP. LXXXII.—*An Act making appropriations for the civil and diplomatic expenses of Government for the year eighteen hundred and thirty-nine.*

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 be paid out of any unappropriated money in the Treasury, viz :

For compensation to the President and Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster General, sixty thousand dollars ;

President,
Vice President,
and heads of departments.

For salary of the Secretary to sign patents for public lands, per act of March second, eighteen hundred and thirty-three, one thousand five hundred dollars ;

Secretary to
sign patents for
lands.

For clerks and messengers in the office of the Secretary of State, twenty thousand three hundred dollars ;

Off. Sec. State.
Clerks and
messengers.
Cont. exp. of
department.
Compiling and
printing Biennial
Register.
Proviso.

For the contingent expenses of the Department of State, including publishing and distributing the laws, twenty-five thousand dollars ;

For compiling and printing the Biennial Register, one thousand eight hundred dollars : *Provided*, That the printing of the said Biennial Register and the job printing, stationery and binding of each of the Executive Departments, shall be furnished by contract, proposals for which shall regularly be advertised for in the public prints. The classes, character, and description of the printing being specified in each advertisement, as far as that can be done, and it being made a condition in all cases, unless otherwise specifically stated in the advertisement, that the work shall be done in the city of Washington ; and the contract shall in each case so far as the proposals and acceptance shall enable the contract to be made, to be given to the lowest bidder, whose bid shall be accompanied with the proper testimonials of the ability of the bidder to fulfil his contract ;

For the superintendent and watchman of the northeast executive building, one thousand five hundred dollars ;

Superint't and
watchman N.E.
Ex. building.
Contingent ex-
penses of said
building.
Office Sec.
Treasury.
Clerks and
messengers.
Clerks per act
23d June 1836,
ch. 115.

For contingent expenses of said building, including fuel, labor, oil and repairs, three thousand three hundred and fifty dollars ;

For compensation to the clerks and messengers in the office of the Secretary of the Treasury, sixteen thousand four hundred and fifty dollars ;

First Comp-
troller.

For compensation to the clerks in said office, per act of the twenty-third June, eighteen hundred and thirty-six, entitled, An act to regulate the deposits of the public money, three thousand six hundred dollars ;

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars ;

Clerks and
messengers.
Second Comp-
troller.
Clerks and
messenger.

For compensation to the clerks and messengers in the office of the First Comptroller, nineteen thousand three hundred dollars ;

For compensation to the Second Comptroller, three thousand dollars ;

For compensation to the clerks and messenger in the office of the Second Comptroller, including the compensation of two clerks transferred from the office of the Fourth Auditor, twelve thousand two hundred and fifty dollars ;

1st Auditor.

For compensation to the First Auditor of the Treasury, three thousand dollars ;

For compensation to the clerks and messenger in the office of the First Auditor, fifteen thousand nine hundred dollars ;

Clerks and
messenger.

For compensation to the Second Auditor of the Treasury, three thousand dollars ;

2d Auditor.

For compensation to the clerks and messenger in the office of the Second Auditor, seventeen thousand nine hundred dollars ;

Clerks and
messenger.

For compensation to the Third Auditor, three thousand dollars ;

3d Auditor.

Clerks and messenger.

Additional clerks under act 20th April 1818, ch. 87.

Additional clerks under act 18th Jan. 1837, ch. 5.

4th Auditor.
Clerks and messenger.

Additional clerk under act 3d March 1837, ch. 38.

5th Auditor.
Clerks and messenger.

Clerks according to act 7th July 1838.

Treasurer of United States.

Clerks and messenger.

Register of the Treasury.

Clerks and messengers.

Commissioner of General Land Office.
Act of July 4, 1836, ch. 352.
Other officers in the General Land Office.

Solicitor of the Treasury.

Clerks and messenger.

Contingent expenses of Treasury Dept.
Office Sec. Treasury, copying, &c.

Translating, &c.

Stating and printing acc'ts.

Office 1st Comptroller.
Off. 2d Comptroller.
Off. 1st Auditor.
Off. 2d Auditor.

For compensation to the clerks and messengers in the office of the Third Auditor, twenty-seven thousand two hundred and fifty dollars;

For three additional clerks, under the act of the twentieth of April, eighteen hundred and eighteen, to enable the Third Auditor to execute the act of sixth April, eighteen hundred and thirty-eight, two thousand four hundred dollars;

For compensation to two additional clerks, employed under the act of the eighteenth January, one thousand eight hundred and thirty-seven, for the payment of horses and other property lost or destroyed, two thousand four hundred dollars;

For compensation to the Fourth Auditor, three thousand dollars;

For compensation to the clerks and messenger in the office of the Fourth Auditor, fifteen thousand nine hundred and fifty dollars;

For an additional clerk in the same, to carry into effect the act of the third of March, eighteen hundred and thirty-seven, for the more equitable administration of the pension fund, one thousand dollars;

For compensation to the Fifth Auditor, three thousand dollars;

For compensation to the clerks and messenger in the office of the Fifth Auditor, nine thousand eight hundred dollars;

For compensation of two clerks in the office of the Fifth Auditor, according to the act of the seventh of July, eighteen hundred and thirty-eight, two thousand dollars;

For compensation to the Treasurer of the United States, three thousand dollars;

For compensation to the clerks and messenger in the office of the Treasurer of the United States, one or more of which clerks may be employed in the other offices of the Treasury Department, ten thousand seven hundred and fifty dollars;

For compensation to the Register of the Treasury, three thousand dollars;

For compensation to the clerks and messengers in the office of the Register of the Treasury, twenty-four thousand two hundred dollars;

For compensation of the Commissioner of the General Land Office, per act of fourth July, eighteen hundred and thirty-six, three thousand dollars;

For compensation of the recorder, solicitor, draughtsman and assistant draughtsman, clerks, messengers, and packers in the office of the Commissioner of the General Land Office, one hundred and seven thousand eight hundred and fifty dollars;

For compensation to the Solicitor of the Treasury, three thousand five hundred dollars;

For compensation to the clerks and messenger in the office of the Solicitor of the Treasury, three thousand nine hundred and fifty dollars;

For expenses of stationery, printing, and all other contingent expenses of the Treasury Department, viz:

For the office of the Secretary of the Treasury, including copying, and expenses incurred in consequence of the burning of the Treasury building, twelve thousand five hundred dollars;

For translating foreign languages, and for receiving and transmitting passports and sea-letters, in the office of the Secretary of the Treasury, three hundred dollars;

For stating and printing public accounts, one thousand four hundred dollars;

For the office of the First Comptroller, two thousand dollars;

For the office of the Second Comptroller, one thousand five hundred dollars;

For the office of the First Auditor, one thousand dollars;

For the office of the Second Auditor, one thousand dollars;

For the office of the Third Auditor, one thousand dollars ;	Off. 3d Auditor.
For the office of the Fourth Auditor, one thousand dollars ;	Off. 4th Auditor.
For the office of the Fifth Auditor, one thousand dollars ;	Off. 5th Auditor.
For the office of the Treasurer of the United States, one thousand five hundred dollars ;	Off. Treasurer.
For the office of the Register of the Treasury, three thousand dollars ;	Off. Register.
For the office of the Solicitor of the Treasury, one thousand dollars ;	Off. Solicitor.
For parchments, books, stationery, advertising, rent of an additional building, and contingent expenses of the General Land Office, and for books and blanks for the district land offices, nineteen thousand seven hundred and fifty-three dollars ;	General Land Office.
For compensation of superintendent and two watchmen for the additional building for the use of the General Land Office, one thousand and fifty dollars ;	Superint't and watchmen for the additional building.
For compensation of the superintendent and watchman of the southeast executive building, two thousand one hundred dollars ;	Superint't and watchman S. E. exec. building.
For contingent expenses of the building occupied by the Treasury, including fuel, oil, labor, repairs, furniture, and for rent, amounting to three thousand two hundred and fifty dollars per annum, twelve thousand dollars ;	Contingent expenses of building occupied by the Treasury.
For compensation to the clerks and messengers in the office of the Secretary of War, including the messenger in the Bounty Land Bureau, thirteen thousand three hundred dollars ;	Office Secretary of War. Clerks and messengers.
For contingent expenses of the office of the Secretary of War, three thousand dollars ;	Contingent expenses.
For books, maps, and plans for the War Department, one thousand dollars ;	Books, &c.
For compensation of extra clerks, when employed in said office, three thousand dollars ;	
For compensation of the Commissioner of Indian Affairs, three thousand dollars ;	Commissioner of Ind. affairs.
For compensation of the clerks and messenger in the office of the Commissioner of Indian Affairs, sixteen thousand four hundred dollars ;	Clerks and messenger.
For contingent expenses of said office, two thousand dollars ;	Contingent expenses.
For compensation of the Commissioner of Pensions, three thousand dollars ;	Commissioner of Pensions.
For compensation of clerks transferred from the office of the Secretary of War to the office of the Commissioner of Pensions, four thousand eight hundred dollars ;	Clerks transferred from office Sec. War.
For compensation to clerks and messengers for the office of the Commissioner of Pensions, authorized by act of ninth May, eighteen hundred and thirty-six, thirteen thousand four hundred and fifty dollars ;	Clerks and messengers authorized by act 9th May 1836, ch. 60.
For contingent expenses of said office, three thousand dollars ;	Expenses.
For compensation to clerks and messenger in the office of the Paymaster General, seven thousand one hundred dollars ;	Off. Paymaster General.
For contingent expenses of said office, including two hundred dollars for arrearages, seven hundred dollars ;	Clerk and messenger.
For compensation of clerk and messenger in the office of the Commanding General, one thousand five hundred dollars ;	Expenses.
For contingent expenses of said office, three hundred dollars ;	Off. Comm'dg General. Clerk and messenger.
For compensation to clerks and messenger in the office of the Adjutant General, seven thousand six hundred and fifty dollars ;	Expenses.
For contingent expenses of said office, one thousand six hundred dollars ;	Off. Adj. Gen. Clerks and messenger.
For compensation of clerks and messenger in the office of the Quartermaster General, seven thousand three hundred dollars ;	Expenses.
For contingent expenses of said office, one thousand dollars ;	Off. Q. M. Gen. Clerks and messenger.
	Expenses.

Off. Commissary General of Purchases. Clerks and messenger.

For compensation of clerks and messenger in the office of the Commissary General of Purchases, four thousand two hundred dollars;

Expenses.
Off. Commissary General of Subsistence.

For contingent expenses of said office, eight hundred dollars;

Expenses.
Off. Chief Engineer. Clerks and messenger.

For compensation of clerks and messenger in the office of the Commissary General of Subsistence, four thousand three hundred dollars;

Expenses.
Off. Surg. Gen. Clerk and messenger.

For contingent expenses of said office, three thousand two hundred dollars;

Expenses.
Ordinance Off. Clerks and messenger.

For compensation of clerks and messenger in the office of the Chief Engineer, five thousand six hundred and fifty dollars;

Expenses.
Topographical Bureau. Clerks and messenger.

For contingent expenses of said office, including one thousand dollars for expenses attending the removal of the office, fifteen hundred dollars;

Expenses.
Topographical Bureau. Clerks and messenger.

For compensation to clerk and messenger in the office of the Surgeon General, one thousand six hundred and fifty dollars;

Expenses.
Topographical Bureau. Clerks and messenger.

For contingent expenses of said office, five hundred dollars;

Expenses.
Superint't and watchmen N. W. executive building.

For compensation of clerks and messenger in the Ordnance Office, eight thousand six hundred and fifty dollars;

Expenses of said building, &c.

For contingent expenses of said office, one thousand dollars;

Off. Sec. Navy. Clerks and messengers.

For compensation of clerks and messenger in the Topographical Bureau, two thousand five hundred dollars;

Expenses.

For contingent expenses of said bureau, one thousand two hundred and thirty-five dollars;

Commiss'rs of Navy Board.

For compensation of superintendent and watchmen of the northwest executive building, two thousand two hundred and fifty dollars;

Secretary.

For contingent expenses of said building, including rent of Bounty Land Office, for labor, fuel, oil, and repairs, and for the contingencies of the fire engines and apparatus, four thousand seven hundred dollars;

Clerks and messenger.

For compensation of the clerks and messengers in the office of the Secretary of the Navy, twelve thousand eight hundred and fifty dollars;

Expenses.

For contingent expenses of said office, including three thousand dollars for extra clerk hire, six thousand dollars;

Superint't and watchman, S. W. executive building.

For compensation of the Commissioners of the Navy Board, ten thousand five hundred dollars;

Repairs.

For compensation of the Secretary of the navy board, two thousand dollars;

Expenses.

For compensation to the clerks and messenger of the navy board, eight thousand four hundred and fifty dollars;

Assistant Postmasters Gen'l. Act of July 2, 1836, ch. 270.

For contingent expenses of said office, including seven hundred dollars for arrearages of extra clerk hire, two thousand five hundred dollars;

Clerks and messengers.

For salary of superintendent and watchman of the southwest executive building, one thousand two hundred and fifty dollars;

Topographer and additional clerks.

For altering and painting passages in said building, one thousand eight hundred dollars;

Expenses.

For contingent expenses of said building, three thousand three hundred and fifty dollars;

Watchmen.
Auditor Post Office.

For compensation to three Assistant Postmasters General, per act third [second] July, eighteen hundred and thirty-six, seven thousand five hundred dollars;

For compensation to clerks and messengers in the General Post office, forty-eight thousand six hundred dollars;

For topographer and additional clerks in said office, and a clerk to keep the appropriation account, eleven thousand six hundred dollars;

For contingent expenses of said office, including four thousand dollars for rent, and fuel for the Auditor's office, twelve thousand five hundred dollars;

For compensation of two watchmen, six hundred dollars;

For compensation to the Auditor of the Post Office, three thousand dollars;

For compensation to clerks and messengers in said office, fifty-five thousand five hundred dollars ;	Clerks and messengers.
For eleven additional clerks in said office, thirteen thousand two hundred dollars ;	
For contingent expenses of said office, including the expense of quarterly books, stationery, printing, and pay of laborers, four thousand seven hundred dollars ;	Expenses.
For compensation of the surveyor general northwest of the Ohio, two thousand dollars ;	Surveyor Gen. north-west of the Ohio.
For compensation to clerks in his office, per acts of ninth May, eighteen hundred and thirty-six, six thousand three hundred dollars ;	Clerks.
For compensation to the surveyor general for Illinois and Missouri, two thousand dollars ;	Act of May 9, 1836, ch. 60.
For compensation to clerks in the office of said surveyor general, per acts of ninth May, eighteen hundred and thirty-six, three thousand eight hundred and twenty dollars ;	Surveyor Gen. for Illinois and Missouri.
For compensation to the surveyor general of Arkansas, two thousand dollars ;	Clerks. 1836, ch. 60.
For compensation of clerks in the office of said surveyor general, two thousand eight hundred dollars ;	Surveyor Gen. of Arkansas.
For compensation of the surveyor general of Louisiana, two thousand dollars ;	Clerks.
For compensation to clerks in the office of said surveyor general, per acts of ninth May, eighteen hundred and thirty-six, two thousand five hundred dollars ;	Surveyor Gen. of Louisiana.
For compensation of the surveyor general of Mississippi, two thousand dollars ;	Clerks.
For compensation of clerks in the office of said surveyor general, per acts of ninth May, eighteen hundred and thirty-six, five thousand dollars ;	Surveyor Gen. of Mississippi.
For compensation of the surveyor general of Alabama, two thousand dollars ;	Clerks.
For compensation to clerks in the office of said surveyor general, per acts of ninth May, eighteen hundred and thirty-six, two thousand two hundred dollars ;	Surveyor Gen. of Alabama.
For compensation of the surveyor general of Florida, two thousand dollars ;	Clerks.
For compensation to clerks in the office of said surveyor general, three thousand five hundred dollars ;	Act of May 9, 1836, ch. 60.
For compensation of the surveyor general of Wisconsin, and of the clerks in his office, per act of twelfth June, eighteen hundred and thirty-eight, three thousand one hundred dollars ;	Surveyor Gen. of Florida.
For extra clerks and draughtsmen in the offices of the surveyors general, to be apportioned according to the exigencies of the service, eight thousand dollars ;	Clerks.
For extra clerks to transcribe field notes of survey, for the purpose of having them preserved at the seat of Government, to be expended in case fire-proof vaults are not furnished for their preservation, at the following offices, viz :	Surveyor Gen. of Wisconsin.
Of the surveyor general northwest of the Ohio, four thousand five hundred dollars ;	Clerks.
Of the surveyor general of Illinois and Missouri, three thousand eight hundred and eighty dollars ;	Act of June 12, 1838, ch. 96.
Of the surveyor general of Arkansas, three thousand dollars ;	Extra clerks and draughtsmen in offices of surveyors general.
Of the surveyor general of Louisiana, four thousand five hundred dollars ;	Extra clerks to transcribe field notes.
Of the surveyor general of Mississippi, four thousand two hundred and ninety dollars ; and	Surveyor Gen. north-west of the Ohio.
Of the surveyor general of Wisconsin, three thousand dollars ;	Surveyor Gen. of Illinois and Missouri.
	Surveyor Gen. of Arkansas.
	Surveyor Gen. of Louisiana.
	Surveyor Gen. of Mississippi.
	Surveyor Gen. of Wisconsin.

Commissioner
of public build-
ings.
Assistants, &c.

For compensation to the Commissioner of public buildings in Wash-
ington, two thousand three hundred dollars;

For compensation to three assistants to the commissioner, as superin-
tendent of the Potomac bridge, and for the expense of oil for the lamps,
one thousand nine hundred and fifty dollars;

Officers of the
mint.

For compensation to the officers and clerks of the mint, twenty thou-
sand four hundred dollars;

Laborers, &c.

For pay of laborers in the various departments of the mint, and for
contingent expenses, twenty-three thousand dollars;

Expenses.

For incidental and contingent expenses, including the wastage of gold
and silver, fuel, materials, stationery, water, rent, and taxes, eighteen
thousand three hundred dollars;

New machine-
ry.

For new machinery, three thousand dollars;

Specimens of
ores, &c.

For specimens of ores and coins to be reserved at the mint, one thou-
sand dollars;

Branch mint
at Charlotte.

For compensation to the officers and clerk of the branch mint at
Charlotte, North Carolina, six thousand dollars;

Laborers.

For pay of laborers in the various departments of the same, three
thousand six hundred dollars;

Expenses.

For wastage of gold, and for contingent expenses of the same, five
thousand one hundred dollars;

Branch mint
at Dahlonega.

For compensation to the officers and clerk of the branch mint at
Dahlonega, Georgia, six thousand dollars;

Laborers.

For pay of laborers in the various departments of the same, three
thousand eight hundred dollars;

Expenses.

For wastage of gold, and for contingent expenses of the same, four
thousand one hundred dollars;

Branch mint
at N. Orleans.

For compensation to the officers and clerks of the branch mint at
New Orleans, twelve thousand nine hundred dollars;

Laborers.

For pay of laborers in the various departments of the same, twenty-
two thousand dollars;

Expenses.

For wastage of gold and silver, and for contingent expenses of the
same, seventeen thousand one hundred dollars;

Governor, &c.
of Wisconsin.

For compensation of the Governor, judges, and secretary of Wiscon-
sin Territory, nine thousand one hundred dollars;

Expenses, pay
of Legislature,
&c.

For contingent expenses, pay, and mileage of the members of the
Legislative Assembly, pay of officers of the Council, printing, furniture,
stationery, fuel, and other incidental expenses, twenty-five thousand dol-
lars;

Governor, &c.
of Florida.

For compensation of the Governor, judges, and secretary of the
Territory of Florida, fourteen thousand three hundred and seventy dol-
lars;

Expenses, pay
of Legislature,
&c.

For contingent expenses, pay, and mileage of the members of the
Legislative Council of said Territory, pay of the officers of the Coun-
cil, printing, furniture, rent, stationery, fuel, and other incidental ex-
penses, twenty-eight thousand two hundred and fifteen dollars;

Governor, &c.
of Iowa.

For compensation to the Governor, judges, and secretary of the Ter-
ritory of Iowa, eight thousand two hundred dollars;

Expenses, pay
of Legislature,
&c.

For contingent expenses, pay, and mileage of the Legislative Assem-
bly, pay of officers, printing, furniture, stationery, fuel, and all other
incidental expenses, including an arrearage of sixteen thousand three
hundred and fifty-four dollars, for eighteen hundred and thirty-eight,
thirty-seven thousand one hundred and four dollars;

Chief justice,
&c.

For compensation to the chief justice, the associate judges, and dis-
trict judges of the United States, ninety-three thousand nine hundred
dollars;

Judges of Dis-
trict Columbia.

For compensation of the chief justice and associate judges of the
District of Columbia, and of the judges of the criminal and orphans'
courts of said district, twelve thousand seven hundred dollars;

For compensation to the Attorney General of the United States, four thousand dollars;	Attorney Gen.
For compensation of clerk and messenger in the office of the Attorney General, one thousand three hundred dollars;	Clerk and Messengers.
For contingent expenses of said office, five hundred dollars;	Expenses.
For compensation to the reporter of the decisions of the Supreme Court, one thousand dollars;	Reporter Supreme Court.
For compensation to the district attorneys and marshals, as granted by law, including those in the several Territories, and arrearages, fourteen thousand eight hundred and forty-two dollars;	Dist. attorneys and marshals.
For defraying the expenses of the Supreme Court, and the 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 year eighteen hundred and thirty-nine, and preceding 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, in addition to former appropriations, one hundred and twenty-eight thousand dollars;	Expenses of Supreme Court, &c.
For the payment of pensions granted by special acts of Congress, one thousand and fifty dollars;	Pensions by special acts.
For the support and maintenance of light-houses, floating lights, beacons, buoys, and stakeages, including the purchase of lamps, oil, keepers' salaries, repairs, improvements, and contingent expenses, three hundred and ninety-four thousand three hundred and thirty-one dollars;	Support of lighthouses, &c.
For survey of the coast of the United States, including the compensation of the superintendent and assistants, ninety thousand dollars;	U. S. coast survey.
For compensation of two keepers of the public archives in Florida, one thousand dollars;	Keepers of archives.
For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted in due course of settlement at the Treasury, twelve thousand dollars;	Miscellaneous.
For salaries of ministers of the United States to Great Britain, France, Spain, Russia, Prussia, and Austria, fifty-four thousand dollars;	Ministers.
For salaries of the secretaries of legation to the same places, twelve thousand dollars;	Secretaries of legation.
For salaries of the chargés des affaires to Portugal, Denmark, Sweden, Holland, Belgium, Brazil, Chili, Peru, Central America, New Grenada, Venezuela, Texas, and Naples, including an arrearage to the charge d'affaires to Texas of one thousand two hundred and eighty-four dollars, fifty-nine thousand seven hundred and eighty-four dollars;	Chargés des affaires.
For salary of a minister, resident of the United States, to Turkey, six thousand dollars;	Minister to Turkey.
For salary of the drogoman, and for contingent expenses of the legation to Turkey, six thousand five hundred dollars;	Drogoman, expenses, &c.
For contingent expenses of all the missions abroad, thirty thousand dollars;	Expenses of missions.
For salaries of the consuls of the United States at London and Paris, four thousand dollars;	Consuls at London and Paris.
For expenses of intercourse with the Barbary powers, seventeen thousand four hundred dollars;	Barbary powers.
For the relief and protection of American seamen in foreign countries, forty thousand dollars;	Relief, &c. of Am. seamen.
For the contingent expenses of foreign intercourse, twenty-five thousand dollars;	Expenses of foreign intercourse.
For clerk hire, office rent, stationery, and other expenses in the office of the American consul in London, per act of nineteenth of January, eighteen hundred and thirty-six, two thousand eight hundred dollars;	Expenses in office of Am. consul at Lond. Act of Jan. 19, 1836, ch. 2.

Consulates in Turkish dominions.

Library of Congress.

Purchase of books.

Expenses of Senate.

Expenses of House of Representatives.

Principal gardener.

House and grounds.

Preparing, &c. documents.

Relief of insolvent debtors.

Wall at New Orleans.

Marine hospital at Mobile.

Repair of pier, &c. on Staten Island.

Custom-house at Boston.

Custom-house at New York.

Furniture.

Smithsonian legacy.

Surveying the public lands.

Surveying the public lands in Louisiana. 1837, ch. 33.

New Treasury building.

Patent Office.

For interpreters, guards, and other expenses incidental to the consulates in the Turkish dominions, five thousand five hundred dollars;

For salary of the principal and two assistant librarians, pay of the messenger, and for contingent expenses of the library, three thousand nine hundred and fifty dollars;

For the purchase of books for the library of Congress, five thousand dollars;

For stationery, fuel, printing, and all other contingent expenses of the Senate, in addition to former appropriations, forty thousand dollars;

For stationery, fuel, printing, and all other contingent expenses of the House of Representatives, in addition to former appropriations, one hundred thousand dollars;

The two sums last mentioned to be applied to the payment of the ordinary expenditures of the Senate and House of Representatives, severally, and to no other purpose.

For salary of the principal gardener, one thousand two hundred dollars;

For alterations and repairs of the President's house and furniture, and for superintendence of the grounds, three thousand four hundred and sixty-five dollars;

For preparing, printing, and binding documents ordered by the resolutions of the Senate of the second of July, one thousand eight hundred and thirty-six, and second March, one thousand eight hundred and thirty-seven, relating to the establishment of the seat of Government; plans, and surveys for the improvement of harbors and rivers, roads and canals; to be disbursed under the direction of the committee to audit and control the contingent expenses of the Senate, fifteen thousand dollars;

For expenses arising under the act for the relief of certain insolvent debtors of the United States, three thousand dollars;

For an appropriation carried to the surplus fund on the thirty-first of December, one thousand eight hundred and thirty-six, for a brick wall around the custom-house at New Orleans, five thousand five hundred dollars;

For completing the marine hospital authorized to be erected in the city of Mobile, fifteen thousand dollars;

For an appropriation carried to the surplus fund on the thirty-first of December, eighteen hundred and thirty-seven, for the repair of the pier and wharves at the public stores on Staten island, two thousand three hundred and thirteen dollars and seventy-five cents;

For constructing the custom-house at Boston, seventy-five thousand dollars;

For constructing the custom-house at New York, one hundred and fifty thousand dollars;

For furnishing one hundred and fifty-six rooms in the new Treasury building, including one thousand dollars for shelves and cases in the various rooms occupied by the Register, sixteen thousand six hundred dollars;

For carrying into effect the acts relating to the Smithsonian legacy, ten thousand dollars, to be paid out of the fund arising from that legacy.

For surveying the public lands, in addition to the unexpended balance of former appropriations, fifteen thousand dollars;

For surveying the public lands in Louisiana, at a rate not exceeding eight dollars per mile, in addition to the special appropriation for this purpose, per act of the third of March, eighteen hundred and thirty-seven, fifteen thousand dollars;

For the construction of the new Treasury building, one hundred thousand dollars;

For the construction of the Patent Office, fifty thousand dollars;

For alterations and repairs of the Capitol and incidental expenses, one thousand one hundred and ninety-eight dollars;	Capitol.
For lighting lamps and keeping in order the public grounds around the Capitol, the iron waterpipes, and wooden fences, six thousand three hundred and six dollars;	Lighting lamps, &c.
For attendance on the western gates of the Capitol, five hundred and forty-seven dollars and fifty cents;	Attendance at western gates.
For removing a light-house on Goat island, being the balance of former appropriations carried to the surplus fund, eight thousand seven hundred and six dollars and seventy-five cents;	Lighthouse on Goat Island.
For deepening the straight channel of the east pass to Appalachicola, Florida, being the balance of an appropriation transferred to this improvement, and since carried to the surplus fund, nine thousand nine hundred dollars;	East pass to Appalachicola.
For improving the harbor of Saybrook, by removing the bar at the mouth of Connecticut river, being the balance of an appropriation carried to the surplus fund, fifteen thousand seven hundred and ten dollars;	Saybrook harbor.
For an outfit of a charge d'affaires to Holland, four thousand five hundred dollars;	Charge d'affaires to Holland.
For completing the warehouse at Baltimore, thirty thousand dollars;	Warehouse at Baltimore.
For the balance due on account of the first volume of the Documentary History of the United States, five thousand six hundred and two dollars; and the Secretary of State is hereby authorized to deliver to the Clerk of the House of Representatives, three hundred and sixty-eight copies of said work, to be distributed to each of the members of the House of Representatives of the twenty-third, twenty-fourth and twenty-fifth Congresses, who are not entitled to receive the same under former resolutions or acts of Congress.	Documentary History.
For the balance due H. Randall for a lot of ground upon which the engine-house of the Union Fire Company has been erected, three hundred dollars;	H. Randall.
For surveying the public lands in the State of Illinois, and for surveys not yet completed, twelve thousand dollars;	Surveying public lands in Illinois.
For repairs of the custom-house at Key West, one thousand six hundred and twenty-five dollars;	Custom-house at Key West.
For the third payment to Luigi Persico, under the contract with him for a group of statues for the Capitol, four thousand dollars;	Group of statues.
For the third payment to the artists engaged in executing paintings for the rotundo of the Capitol, eight thousand dollars;	Paintings for the rotundo.
For engraving a chart of the bay and harbor of New York, five thousand dollars;	Chart of bay, &c. New York.
For paying the clerks in the custom-house at Philadelphia, the arrears of their salaries from eighteen hundred and thirty-two, to eighteen hundred and thirty-seven, so as to make the same equal to what they received in the last mentioned year, on the same principle as has been applied at New York, fifteen thousand dollars, or so much thereof as may be necessary;	Arrears to clerks at Philadelphia.
For procuring such books and papers relating to Spanish grants of land, formerly belonging to the late Spanish surveyors in the Territories of Orleans or Florida, as may be useful to protect the interests of the United States, and to be expended only with the approbation of the Secretaries of the State and Treasury Departments, after an inspection and examination of said books and papers by a competent person or persons, at the General Land Office, a sum not exceeding twenty thousand dollars;	Books and papers relating to Spanish grants, &c.
For support of the United States Penitentiary in the city of Washington for the year eighteen hundred and thirty-nine, including the pay of officers and agents, rations, clothing, beds and bedding, hospital stores and medicines, repairs to buildings, fuel, raw materials to be	Support of U. S. penitentiary in Washington.

worked up, allowance to discharged convicts and other contingencies as per estimate of board of inspectors, twelve thousand five hundred and thirty-seven dollars and thirty-six cents;

South'n bound-
ary of Iowa.

[For] the survey of the southern boundary of the Territory of Iowa, nine hundred and sixty-nine dollars and five cents;

Public lands
in Wisconsin.

For the surveys of public lands north of the Wisconsin and Neenah rivers in Wisconsin, the sum of five thousand dollars;

New cupolas.

For three new cupolas over the Library of Congress, one thousand four hundred and eighty-two dollars and twenty-four cents;

Pipes to water
Capitol gro'ds.

For branch-pipes and stop-cocks to water the Capitol grounds, three hundred and fifty dollars and thirty cents;

Repairing wa-
ter pipes.

For repairing the water-pipes from the Tiber, north of the Capitol, to the Capitol, five hundred dollars;

C. Gordon.

For compensating Charles Gordon for services rendered under the resolutions of the Senate of the second of July, eighteen hundred and thirty-six, and the twenty-eighth of June, eighteen hundred and thirty-eight, one thousand eight hundred dollars;

President's
house.

For completing the special repairs heretofore proposed in the President's house, including a deficiency in a former appropriation, one thousand five hundred and eleven dollars and twenty-two cents;

Purchase of
fire engines,&c.

For the purchase of two fire engines for the Capitol, the Marine Barracks, and the Navy Yard, including apparatus and for suction and hose for the Perseverance fire company, ten thousand one hundred dollars;

General Post
Office. Act of
July 2, 1836,
ch. 270.

For the service of the General Post Office, for the year eighteen hundred and thirty-nine, in conformity to the act of second July, eighteen hundred and thirty-six, five million one hundred thousand dollars;

Transportation
of the mails.

For the transportation of the mails, three million five hundred and twenty-nine thousand dollars;

Compensation
of postmasters.

For compensation of postmasters, one million and ninety-one thousand dollars;

Ship letters,
&c.

For ship, steamboat, and way letters, thirty-five thousand dollars;

Wrapping pa-
per.

For wrapping-paper, twenty-five thousand dollars;

Office furni-
ture.

For office furniture, six thousand dollars;

Advertising.

For advertising, thirty-eight thousand dollars;

Mail bags.

For mail-bags, forty-eight thousand dollars;

Blanks.

For blanks, thirty-four thousand dollars;

Mail locks,&c.

For mail locks, and keys, and stamps, twelve thousand dollars;

Mail depreda-
tions, &c.

For mail depredations and special agents, fifteen thousand dollars;

Clerks.

For clerks for offices, two hundred thousand dollars;

Miscellaneous.

For miscellaneous, sixty-seven thousand dollars; *Provided*, That the

President and the Postmaster General shall have the same power to transfer funds from one to another head of appropriation, between the foregoing appropriations made for the service of the General Post Office, as the President and any other head of an Executive department now have to transfer funds appropriated under one head to the service of another, in any other branch of the public service.

Money paid to
collectors, &c.
for unascertain-
ed duties, &c.

SEC. 2. *And be it further enacted*, That from and after the passage of this act, all money paid to any collector of the customs, or to any person acting as such, for unascertained duties or for duties paid under protest against the rate or amount of duties charged, shall be placed to the credit of the Treasurer of the United States, kept and disposed of as all other money paid for duties is required by law, or by regulation of the Treasury Department, to be placed to the credit of said Treasurer, kept and disposed of; and shall not be held by the said collector, or person acting as such, to await any ascertainment of duties, or the result of any litigation in relation to the rate or amount of duty legally chargeable and collectable in any case where money is so paid; but whenever it shall be shown to the satisfaction of the Secretary of the

Treasury, that in any case of unascertained duties or duties paid under protest more money has been paid to the collector or person acting as such than the law requires should have been paid, it shall be his duty to draw his warrant upon the Treasurer in favor of the person or persons entitled to the over-payment, directing the said Treasurer to refund the same out of any money in the Treasury not otherwise appropriated. (a)

SEC. 3. *And be it further enacted*, That no officer in any branch of the public service, or any other person whose salaries, or whose pay or emoluments is or are fixed by law and regulations, shall receive any extra allowance or compensation in any form whatever for the disbursement of public money, or the performance of any other service, unless the said extra allowance or compensation be authorized by law; nor shall any executive officer, other than the heads of departments, apply more than thirty dollars, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office.

No person, whose salary, &c. shall receive any extra allowance, unless authorized by law.

APPROVED, March 3, 1839.

CHAP. LXXXIII.—*An Act for the relief of the Brothertown Indians, in the Territory of Wisconsin.*

STATUTE III.
March 3, 1839.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the township of land containing twenty-three thousand and forty acres, lying on the east side of Winnebago lake, in the Territory of Wisconsin, which, by the proviso of a treaty made with the Menomonie Indians on the seventeenth February, eighteen hundred and thirty-one, and ratified on the ninth July 1832, was reserved for the use of the Brotherton or Brothertown Indians, and which by a subsequent treaty with the Menomonie tribe, bearing date 27th October 1832, and ratified 13th March 1833, was further secured to the said Brothertown Indians, may be partitioned and divided among the different individuals composing said tribe of Brothertown Indians, and may be held by them separately and severally in fee simple, after such division shall have been made in the manner hereafter mentioned.

A township of land, lying, &c. may be divided among, &c.

(a) Since the passage of the act of Congress of March 3, 1839, chap. 82, sec. 2, which requires collectors of the customs to place to the credit of the Treasurer of the United States all moneys which they receive for unascertained duties, or for duties paid under protest, an action of assumpsit for money had and received will not lie against the collector for the return of such duties so received by him. *Carey v. Curtis*, 3 Howard, 236.

In what other modes the claimant can have access to the courts of justice this court is not called upon to decide in this case. *Ibid.*

[Congress being in session when the decision of the court in the case of *Carey v. Curtis*, 3 Howard, 236, was made, the following act was passed.]

CHAP. XXII.—*An Act explanatory of an act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-nine."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing contained in the second section of the act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-nine," approved on the third day of March, one thousand eight hundred and thirty-nine, shall take away, or be construed to take away or impair, the right of any person or persons who have paid or shall hereafter pay money, as and for duties, under protest, to any collector of the customs, or other person acting as such, in order to obtain goods, wares, or merchandise, imported by him or them, or on his or their account, which duties are not authorized or payable in part or in whole by law, to maintain any action at law against such collector, or other person acting as such, to ascertain and try the legality and validity of such demand and payment of duties, and to have a right to a trial by jury, touching the same, according to the due course of law. Nor shall any thing contained in the second section of the act aforesaid be construed to authorize the Secretary of the Treasury to refund any duties paid under protest; nor shall any action be maintained against any collector, to recover the amount of duties so paid under protest, unless the said protest was made in writing, and signed by the claimant, at or before the payment of said duties, setting forth distinctly and specifically the grounds of objection to the payment thereof.

APPROVED, February 26, 1845.

Said division to be made by a board of commissioners.

SEC. 2. *And be it further enacted*, That, for the purpose of making partition and division of said lands among the individuals of said tribe of Brothertown Indians, a board of commissioners shall be constituted, to consist of five of the principal or head men of said tribe, a majority of whom shall constitute a quorum to do business, whose duty it shall be to make a just and fair partition and division of said lands among the members of said tribe, or among such of them as, by the laws and customs and regulations of said tribe, are entitled to the same, and in such proportions and in such manner as shall be consistent with equity and justice, and in accordance with the existing laws, customs, usages, or agreements of said tribe.

A meeting to be held for the election, &c.

SEC. 3. *And be it further enacted*, That, for the purpose of electing or choosing said board of commissioners, a meeting of said tribe shall be held at their church, or principal place, on the reservation of land aforesaid, on the first Monday in July next, at which all the male members of said tribe over the age of twenty-one years shall be allowed to vote for such commissioners; and the said five commissioners shall then and there be chosen or elected by the said tribe, by a majority of the whole number of such voters then present. And the judge of the district in which said lands are situated (or in his absence the register of the land office at Green Bay, or the commanding officer of the United States troops at Fort Howard) shall attend at the time and place aforesaid, and preside at said meeting, superintend the said election, and see that the proceedings are fairly conducted: and the said presiding officer may, in his discretion, prescribe whether the said election shall be by ballot or viva voce; and shall in other respects cause the proceedings to be conducted in such manner as to ensure a fair and proper choice or election; and after the said commissioners shall have been so chosen or elected, the said presiding officer shall immediately certify that fact, setting forth the names of the commissioners who shall be elected, and shall make two copies of said certificate, one of which he shall file in the office of the register of the land district at Green Bay, and the other he shall transmit by mail to the President of the United States.

Division, how to be made.

SEC. 4. *And be it further enacted*, That after the said commissioners shall have been elected or chosen as above prescribed, and as soon thereafter as conveniently may be, they shall proceed to make partition and division of all the lands aforesaid among the individual members of said tribe, or among such of them as, by the laws, customs, usages, or agreements of said tribe are justly entitled to the same, and in such way and manner, and upon such principles and in such proportions as shall be agreeable to equity and justice, and consistent with the laws, usages, customs, and agreements of said tribe: *Provided, however*, That the buildings and improvements, and the farms on which the same are situated, which are now held or possessed in severalty by the members of said tribe, shall, so far as the same can consistently be done, be allotted or apportioned to the present occupants; and that no person or individual of said tribe shall be dispossessed or deprived of the improvements or land which they now occupy, unless it shall be found by the said commissioners that such person or persons are in the possession of and occupying more land than they are justly entitled to, and then the overplus may be apportioned to others.

Proviso.

Commissioners to report their proceedings, &c.

SEC. 5. *And be it further enacted*, That after the said commissioners shall have made such partition and division as aforesaid, they shall make, or cause to be made, a full report of their proceedings in the premises, setting forth the name of each person to whom they have apportioned any part of said land, the quantity apportioned or allotted to each, with the metes and bounds, or other definite description of each several piece or parcel of land; and they shall accompany the said report with a fair and accurate map of the whole, showing the divisions and partitions

A map to accompany the report, &c.

aforesaid; which report and map, or a copy thereof, shall be deposited with the town clerk of said tribe, on or before the first day of October next, and shall remain open for inspection to all, for the space of twenty days thereafter; and if any member or members of said tribe shall object to the partition or division so made by the said commissioners, or shall deem himself or themselves aggrieved thereby, he or they may, within ten days thereafter, give notice thereof to the said commissioners, who shall, within twenty days thereafter, meet to hear and determine such grievances, and take testimony if necessary; and after such hearing, shall have power to alter or modify such partition, if, in their judgment, any alteration or modification is necessary, in order to do equal and exact justice to all parties in interest.

Proceedings to be had if objection is made.

SEC. 6. *And be it further enacted*, That, after the said report shall be finally completed, the commissioners shall cause [three copies] of the said report, and of the map accompanying the same, as finally agreed upon and settled, to be made and signed by said commissioners, one copy of which shall be deposited in the office of the secretary of said Territory, one copy in the office of the clerk of the county within which said lands are situated, and the other shall be transmitted to the President of the United States, who shall thereupon cause patents to be issued to the several individuals named in said report, for the lands so apportioned to them respectively, by which the said persons shall be authorized to hold the said lands in fee simple to themselves and their heirs and assigns.

Copy of report and map to be deposited, &c.

SEC. 7. *And be it further enacted*, That the said report and map shall be filed with the secretary of said Territory, and in the clerk's office of said county, and shall also be transmitted to the President on or before the first day of January next; and after the same shall have been filed and transmitted to the President, as aforesaid, the said Brothertown Indians, and each and every of them, shall then be deemed to be, and from that time forth are hereby declared to be, citizens of the United States to all intents and purposes, and shall be entitled to all the rights, privileges, and immunities of such citizens, and shall, in all respects, be subject to the laws of the United States and of the Territory of Wisconsin, in the same manner as other citizens of said Territory; and the jurisdiction of the United States and of said Territory shall be extended over the said township or reservation now held by them in the same manner as over other parts of said Territory; and their rights as a tribe or nation, and their power of making or executing their own laws, usages, or customs, as such tribe, shall cease and determine: *Provided, however*, That nothing in this act shall be so construed as to deprive them of the right to any annuity now due to them from the State of New York or the United States, but they shall be entitled to receive any such annuity in the same manner as though this act had not been passed.

Said Indians shall be citizens of the United States, &c.

Proviso.

APPROVED, March 3, 1839.

STATUTE III.

CHAP. LXXXIV.—*An Act making an appropriation for the protection of the Northern and Northwestern frontier of the United States.*

March 3, 1839.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of five hundred thousand dollars, in addition to a former appropriation, shall be, and the same is hereby, appropriated, out of any unappropriated money in the Treasury to defray any expenses which have been or may be incurred in protecting the Northern and Northwestern frontier of the United States, by the employment of steamboats, the transportation of troops and supplies, or any other extraordinary expenses attending the operations of the army in the defence of that frontier, and by calling out, under the direction of the President of the United States, any part of the militia or volunteers, according to the provisions of the constitution

Appropriation.

How to be expended.

Act of Jan. 2, 1795, ch. 9.

Act of April 5, 1832, ch. 64.

Act of March 19, 1836, ch. 44.

and laws; and such part of said sum as may be required for the latter purpose, shall be expended under the direction of the Secretary of War, conformably to the provisions of the act of Congress of January the second, seventeen hundred and ninety-five; of the act of April the fifth, eighteen hundred and thirty-two, making appropriations for the support of the army; and of the act of March the nineteenth, eighteen hundred and thirty-six, providing for the payment of volunteer and militia corps in the service of the United States.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

Act of April 16, 1818, ch. 64.
Construction of act.

CHAP. LXXXV.—*An Act to amend an act entitled "An act regulating the pay and emoluments of brevet officers," passed April 16, 1818.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act, the act entitled "An act regulating the pay and emoluments of brevet officers," approved April sixteenth, eighteen hundred and eighteen, be, and the same shall be, so construed, as to include the case of the Adjutant General of the United States.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

[Obsolete.]

Appropriation for opening a road.

CHAP. LXXXVI.—*An Act to authorize the construction of a road from Dubuque, in the Territory of Iowa, to the northern boundary of the State of Missouri, 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 sum of twenty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to the opening and construction of a road in the Territory of Iowa, from Dubuque, on the river Mississippi, to such point in the northern boundary of the State of Missouri as may be best suited for its future extension by that State to the cities of Jefferson and St. Louis, within the same; that the Secretary of War be empowered and directed to cause such road to be constructed by contract or otherwise: *Provided,* That the said road shall be opened throughout, and so far completed as to be capable of use, without exceeding in cost the sum hereby appropriated; and in laying down the route thereof respect be paid, so far as the same may be practicable, without greatly increasing the length thereof, to the accommodation of the seats of justice of the several counties in Iowa through which it may pass, and to the best sites for bridges or ferries over the several rivers which the said road must cross.

Proviso.

Survey of Red Cedar river.

Appropriation.

SEC. 2. *And be it further enacted,* That the Secretary of War be, and he is hereby, empowered to cause a survey of Red Cedar river, within the said Territory, and an estimate to be made, with a view to the improvement of the navigation thereof above the town of Moscow, and the connection of the said navigation with the river Mississippi by a canal, extending from the vicinity of said town to some suitable point in or near the town of Bloomington; and to defray the expense of said survey and estimate, the sum of fifteen hundred dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted,* That the following sums are hereby appropriated to several objects respectively, which are hereinafter described:

Opening and constructing a road from Burlington, &c.

Improving the

For the opening and construction of a road from Burlington through the counties of Des Moines, Henry and Van Buren, towards the seat of Indian agency on the river Des Moines, five thousand dollars;

For the improvement of the road from Burlington, in the Territory of Iowa, to De Hagues, in Illinois, the sum of twenty-five hundred dol-

lars, in aid of a like sum contributed towards the same object by the town of Burlington.

road from Burlington to De Hagues.

APPROVED, March 3, 1839.

CHAP. LXXXVII.—*An Act providing for the erection of a fire-proof building for the use of the General Post Office Department.*

STATUTE III.

March 3, 1839.

[Obsolete.]

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 hereby is, authorized to cause to be erected a fire-proof building, of such dimensions and upon such plan of arrangement as may be required for the use and accommodation of the General Post Office Department, on the site of the Post Office building recently destroyed by fire; and, for this purpose, that he be authorized to appoint a skilful architect to prepare and submit to him the necessary plans for the proper construction of such building, which being approved by him shall be conformed to in the erection of the structure; and the said architect may be continued in the superintendence of the construction of the building, or another employed in that service, as the President may deem best. *Provided,* that not more than one architect shall be kept in the employment of the Government at Washington.

Fire-proof building to be erected.

Proviso.

SEC. 2. *And be it further enacted,* That the principal material of which the exterior walls of such building shall be constructed shall be such as the President of the United States shall direct, and shall be jointed, and laid in regular courses, in the most approved mode of such construction.

Material—how to be laid, &c.

SEC. 3. *And be it further enacted,* That, for the erection of the building authorized by the first section of this act, there be, and hereby is, appropriated, the sum of one hundred and fifty thousand dollars, out of any money in the Treasury not otherwise appropriated by law.

Appropriation.

APPROVED, March 3, 1839.

CHAP. LXXXVIII.—*An Act in addition to "An act to promote the progress of the useful arts." (a)*

STATUTE III.

March 3, 1839.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed, in manner provided in the second section of the act to which this is additional, two assistant examiners, each to receive an annual salary of twelve hundred and fifty dollars.

Act of July 4, 1836, ch. 357.
Act of Aug. 29, 1842, ch. 263.

Two assistant examiners to be appointed—how their salaries.

SEC. 2. *And be it further enacted,* That the Commissioner be authorized to employ temporary clerks to do any necessary transcribing whenever the current business of the office requires it; *Provided, however,* That instead of salary, a compensation shall be allowed, at a rate not greater than is charged for copies now furnished by the office.

Temporary clerks.

Proviso.

SEC. 3. *And be it further enacted,* That the Commissioner is hereby authorized to publish a classified and alphabetical list of all patents granted by the Patent Office previous to said publication, and retain one hundred copies for the Patent Office and nine hundred copies to be deposited in the library of Congress, for such distribution as may be hereafter directed; and that one thousand dollars, if necessary, be appropriated, out of the patent fund, to defray the expense of the same.

List of patents to be published.

SEC. 4. *And be it further enacted,* That the sum of three thousand six hundred and fifty-nine dollars and twenty-two cents be, and is hereby, appropriated from the patent fund, to pay for the use and occupation of rooms in the City Hall by the Patent Office.

Pay for use of rooms in City Hall.

Purchase of books.

SEC. 5. *And be it further enacted,* That the sum of one thousand dol-

(a) See notes of the acts granting patents for useful inventions, and of the decisions of the courts of the United States on the patent laws, vol. 1, 318.

lars be appropriated from the patent fund, to be expended under the direction of the Commissioner, for the purchase of necessary books for the library of the Patent Office.

No person to be debarred from receiving a patent, &c.

Proviso.

Proviso.

Persons, &c. having purchased or constructed any newly invented machine, &c.

SEC. 6. *And be it further enacted*, That no person shall be debarred from receiving a patent for any invention or discovery, as provided in the act approved on the fourth day of July, one thousand eight hundred and thirty-six, to which this is additional, by reason of the same having been patented in a foreign country more than six months prior to his application: *Provided*, That the same shall not have been introduced into public and common use in the United States, prior to the application for such patent: *And provided, also*, That in all cases every such patent shall be limited to the term of fourteen years from the date or publication of such foreign letters patent.

SEC. 7. *And be it further enacted*, That every person or corporation who has, or shall have, purchased or constructed any newly invented machine, manufacture, or composition of matter, prior to the application by the inventor or discoverer for a patent, shall be held to possess the right to use, and vend to others to be used, the specific machine, manufacture, or composition of matter so made or purchased, without liability therefor to the inventor, or any other person interested in such invention; and no patent shall be held to be invalid by reason of such purchase, sale, or use prior to the application for a patent as aforesaid, except on proof of abandonment of such invention to the public; or that such purchase, sale, or prior use has been for more than two years prior to such application for a patent.

So much of 11th sec. act 4th July 1836, ch. 357, as requires payment for recording assignments, repealed.

SEC. 8. *And be it further enacted*, That so much of the eleventh section of the above recited act as requires the payment of three dollars to the Commissioner of Patents for recording any assignment, grant, or conveyance of the whole or any part of the interest or right under any patent, be, and the same is hereby, repealed; and all such assignments, grants, and conveyances shall, in future, be recorded without any charge whatever.

Agricultural statistics, &c.

SEC. 9. *And be it further enacted*, That a sum of money not exceeding one thousand dollars, be, and the same is hereby, appropriated, out of the patent fund, to be expended by the Commissioner of Patents in the collection of agricultural statistics, and for other agricultural purposes; for which the said Commissioner shall account in his next annual report.

Provisions 16th sec. act 4th July 1836, ch. 357, extended.

SEC. 10. *And be it further enacted*, That the provisions of the sixteenth section of the before recited act shall extend to all cases where patents are refused for any reason whatever, either by the Commissioner of Patents or by the chief justice of the District of Columbia, upon appeals from the decision of said Commissioner, as well as where the same shall have been refused on account of, or by reason of, interference with a previously existing patent; and in all cases where there is no opposing party, a copy of the bill shall be served upon the Commissioner of Patents, when the whole of the expenses of the proceeding shall be paid by the applicant, whether the final decision shall be in his favor or otherwise.

Appeals.

1862, ch. 107.

SEC. 11. *And be it further enacted*, That in all cases where an appeal is now allowed by law from the decision of the Commissioner of Patents to a board of examiners provided for in the seventh section of the act to which this is additional, the party, instead thereof, shall have a right to appeal to the chief justice of the district court of the United States for the District of Columbia, by giving notice thereof to the Commissioner, and filing in the Patent Office, within such time as the Commissioner shall appoint, his reasons of appeal, specifically set forth in writing, and also paying into the Patent Office, to the credit of the patent fund, the sum of twenty-five dollars. And it shall be the duty of said

chief justice, on petition, to hear and determine all such appeals, and to revise such decisions in a summary way, on the evidence produced before the Commissioner, at such early and convenient time as he may appoint, first notifying the Commissioner of the time and place of hearing, whose duty it shall be to give notice thereof to all parties who appear to be interested therein, in such manner as said judge shall prescribe. The Commissioner shall also lay before the said judge all the original papers and evidence in the case, together with the grounds of his decision, fully set forth in writing, touching all the points involved by the reasons of appeal, to which the revision shall be confined. And at the request of any party interested, or at the desire of the judge, the Commissioner and the examiners in the Patent Office, may be examined under oath, in explanation of the principles of the machine or other thing for which a patent, in such case, is prayed for. And it shall be the duty of said judge, after a hearing of any such case, to return all the papers to the Commissioner, with a certificate of his proceedings and decision, which shall be entered of record in the Patent Office; and such decision, so certified, shall govern the further proceedings of the Commissioner in such case; *Provided, however,* That no opinion or decision of the judge in any such case, shall preclude any person interested in favor or against the validity of any patent which has been or may hereafter, be granted, from the right to contest the same in any judicial court, in any action in which its validity may come in question.

Proviso.

SEC. 12. *And be it further enacted,* That the Commissioner of Patents shall have power to make all such regulations in respect to the taking of evidence to be used in contested cases before him, as may be just and reasonable. And so much of the act to which this is additional, as provides for a board of examiners, is hereby repealed.

Commissioner may make regulations respecting contested cases.

SEC. 13. *And be it further enacted,* That there be paid annually, out of the patent fund, to the said chief justice, in consideration of the duties herein imposed, the sum of one hundred dollars.

Compensation of chief justice.

APPROVED, March 3, 1839.

STATUTE III.

CHAP. LXXXIX. — *An Act giving to the President of the United States additional powers for the defence of the United States, in certain cases, against invasion, and for other purposes.*

March 3, 1839.

[Expired.]

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 hereby is, authorized to resist any attempt on the part of Great Britain, to enforce, by arms, her claim to exclusive jurisdiction over that part of the State of Maine which is in dispute between the United States and Great Britain; and for that purpose, to employ the naval and military forces of the United States and such portions of the militia as he may deem it advisable to call into service.

Disputed territory in Maine.

SEC. 2. *And be it further enacted,* That the militia when called into the service of the United States by virtue of this act, or of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions, and to repeal the act now in force for these purposes," may, if in the opinion of the President of the United States the public interest require it, be compelled to serve for a term not exceeding six months after the arrival at the place of rendezvous, in any one year unless sooner discharged.

Militia, when called into service.

1795, ch. 36.

SEC. 3. *And be it further enacted,* That in the event of actual invasion of the territory of the United States by any foreign power, or if imminent danger of such invasion discovered, in his opinion, to exist before Congress can be convened to act upon the subject, the President be, and he is hereby, authorized if he deem the same expedient, to ac-

In event of actual invasion, &c.

Act of 1836,
ch. 80.

The President
authorized to
complete the
public armed
vessels now au-
thorized, &c.

Appropriation.

Proviso.

Outfit, &c. of
special minister
to Gr. Britain.

Proviso.

President au-
thorized to ap-
ply \$1,000,000
to repairing for-
tifications, &c.

Militia or vol-
unteers, when
called into ser-
vice of the Uni-
ted States, &c.

To continue in
force until, &c.

cept the services of any number of volunteers not exceeding fifty thousand, in the manner provided for by an act entitled "An act authorizing the President of the United States to accept the service of volunteers and to raise an additional regiment of dragoons or mounted riflemen, approved May twenty-third, eighteen hundred and thirty-six."

SEC. 4. *And be it further enacted*, That in the event of either of the contingencies provided for in this act the President of the United States shall be authorized to complete the public armed vessels now authorized by law, and to equip, man, and employ, in actual service, all the naval force of the United States, and to build, purchase, or charter, arm, equip, and man, such vessels and steamboats on the Northern lakes and rivers, whose waters communicate with the United States and Great Britain as he shall deem necessary to protect the United States from invasion from that quarter.

SEC. 5. *And be it further enacted*, That the sum of ten millions of dollars is hereby appropriated, and placed at his disposal for the purpose of executing the provisions of this act; to provide for which the Secretary of the Treasury is authorized to borrow money on the credit of the United States, and to cause to be issued certificates of stock signed by the Register of the Treasury, for the sum to be borrowed, or any part thereof; and the same to be sold upon the best terms that may be offered after public notice for proposals for the same: *Provided*, That no engagement or contract shall be entered into which shall preclude the United States from reimbursing any sum or sums thus borrowed after the expiration of five years from the first of January next; and that the rate of interest shall not exceed five per cent., payable semi-annually.

SEC. 6. *And be it further enacted*, That the sum of eighteen thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury, not otherwise appropriated, for outfit and salary of a special minister to Great Britain: *Provided*, The President of the United States shall deem it expedient to appoint the same.

SEC. 7. *And be it further enacted*, That in the event of either of the contingencies provided for in the first and third sections of this act, the President of the United States shall be authorized to apply a part not exceeding one million of dollars of the appropriation made in this act to repairing or arming fortifications along the seaboard and frontier.

SEC. 8. *And be it further enacted*, That whenever militia or volunteers are called into the service of the United States they shall have the organization of the army of the United States, and shall receive the same pay and allowances.

SEC. 9. *And be it further enacted*, That the several provisions of this act shall be in force until the end of sixty days after the meeting of the first session of the next Congress, and no longer.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

Act of April
20, 1836, ch. 54.

Act of April
12, 1838, ch. 96.

Bills passed by
Council, &c. of
Iowa and Wis-
consin, before
becoming laws,
to be approved
by the govern'r.

CHAP. XC. — *An Act to alter and amend the organic law of the Territories of Wisconsin and Iowa.*

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 Council and House of Representatives of the Territories of Iowa and Wisconsin shall, before it become 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 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 three 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 Assembly by adjournment prevent its return, in which case it shall not be a law.

SEC. 2. *And be it further enacted*, That this act shall not be so construed as to deprive Congress of the right to disapprove of any law passed by the said Legislative Assembly, or in any way to impair or alter the power of Congress over laws passed by said Assembly.

Limitation of the act.

APPROVED, March 3, 1839.

CHAP. XCI.—*An Act to define and establish the eastern boundary line of the Territory of Iowa.*

STATUTE III.

March 3, 1839.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the middle or centre of the main channel of the river Mississippi shall be deemed, and is hereby declared, to be the eastern boundary line of the Territory of Iowa, so far or to such extent as the said Territory is bounded eastwardly by or upon said river: *Provided, however*, That the said Territory of Iowa shall have concurrent jurisdiction upon the said Mississippi river with any other conterminous State or Territory so far or to such extent as the said river shall form a common boundary between the aforesaid Territory of Iowa and any other such conterminous State or Territory.

Eastern boundary of Iowa.

Proviso.

APPROVED, March 3, 1839.

CHAP. XCII.—*An Act to authorize the election or appointment of certain officers in the Territory of Iowa, and for other purposes.*

STATUTE III.

March 3, 1839.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislative Assembly of the Territory of Iowa shall be, and are hereby, authorized to provide by law for the election or appointment of sheriffs, judges of probate, justices of the peace, and county surveyors, within the said Territory, in such way or manner, and at such times and places as to them may seem proper; and after a law shall have been passed by the Legislative Assembly for that purpose, all elections or appointments of the above-named officers thereafter to be had or made shall be in pursuance of such law.

Legislative Assembly of Iowa authorized to provide by law for the election of sheriffs, &c.

SEC. 2. *And be it further enacted*, That the term of service of the present Delegate for said Territory of Iowa shall expire on the twenty-seventh day of October, eighteen hundred and forty; and the qualified electors of said Territory may elect a Delegate to serve from the said twenty-seventh day of October to the fourth day of March thereafter, at such time and place as shall be prescribed by law by the Legislative Assembly, and thereafter a Delegate shall be elected, at such time and place as the Legislative Assembly may direct, to serve for a Congress, as members of the House of Representatives are now elected.

Election of delegate.

APPROVED, March 3, 1839.

CHAP. XCIII.—*An Act making appropriations for preventing and suppressing Indian hostilities, for the year eighteen hundred and thirty-nine.*

STATUTE III.

March 3, 1839.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums, amounting to one million eight hundred and four thousand seven

Appropriation.

<p>How to be expended. 1836, ch. 43. 1836, ch. 254.</p>	<p>hundred and seventy-four dollars, be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses which have been, or may be, incurred, in preventing or suppressing the hostilities of any Indians, in the year eighteen hundred and thirty-nine; to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the nineteenth of March and the second of July, eighteen hundred and thirty-six, and of the acts therein referred to :</p>
<p>Forage.</p>	<p>For forage for the horses of the second dragoons, mounted volunteers and militia officers entitled to forage in kind, and for horses, mules, and oxen, in the service of trains, three hundred and ninety-two thousand eight hundred and thirty-one dollars ;</p>
<p>Freight, &c.</p>	<p>For freight or transportation of military supplies of every description from the places of purchase to Florida, two hundred and fifty-four thousand six hundred and twenty-eight dollars ;</p>
<p>Purchase of wagons, &c.</p>	<p>For the purchase of wagons, harness, boats and lighters, horses to keep up the trains, tools, leather and other materials for repairs, ninety-two thousand dollars ;</p>
<p>Transportation.</p>	<p>For the transportation of supplies from the principal depots to the several posts, as well as troops, when they move by water, including hire of steamboats and other vessels for the service in the rivers and on the coasts, and the expenses of maintaining and sailing the several steamers and transport schooners connected with the operations of the army, three hundred thousand dollars ;</p>
<p>Hire of mechanics, &c.</p>	<p>For the hire of mechanics, laborers, mule-drivers, teamsters, and other assistants, including their subsistence, and for soldiers on extra duty, conformably to law, one hundred thousand dollars ;</p>
<p>Transportation of militia or volunteers.</p>	<p>For the transportation of the militia or volunteers while marching to and from the scene of operations, thirty thousand dollars ;</p>
<p>Miscellaneous.</p>	<p>For miscellaneous expenses of all kinds, not embraced under the foregoing heads, and which, from their contingent character, cannot be specified, four hundred thousand dollars ;</p>
<p>Accoutrements, &c.</p>	<p>For accoutrements and arms for infantry and cavalry, including militia infantry and cavalry, ammunition for men and field artillery, and repairs of arms, and for contingencies, seventy-one thousand dollars ;</p>
<p>Pay of militia and volunteers.</p>	<p>For the pay of such militia and volunteers as may have been or may be called into the service of the United States, in addition to the unexpended balance of the appropriation for the payment of four thousand volunteers, for the year eighteen hundred and thirty-eight, one hundred and fourteen thousand three hundred and fifteen dollars ;</p>
<p>Treaty with the Seminoles.</p>	<p>For the purpose of holding a treaty with the Seminole Indians, five thousand dollars ;</p>
<p>Vessels to cruise along the coast of Florida.</p>	<p>For the purchase and maintaining in active service three vessels of light draught of water, to cruise along the coast of Florida, for the protection of the lives and property of the citizens, fifty thousand dollars ;</p>
<p>Paying value of horses and equipage of Tennessee and other volunteers. Value, how to be ascertained. All acts since 1812, authorizing payment for horses, revived and extended for two years.</p>	<p>For paying the value of the horses and equipage of the Tennessee and other volunteers who have at any time been in the service of the United States in the Territory of Florida, and which were turned over to the Government, by the order of the commanding general or other commanding officer, said value to be ascertained by the appraisement of said value when the volunteers entered the service, fifty-two thousand dollars. And the provisions of acts approved and in force at various periods since eighteen hundred and twelve, authorizing payment for horses lost in the service of the United States by rangers, militia, and volunteers, are hereby revived and extended for two years from and after the passage of this act, and under the action of the Third Auditor, shall be deemed to embrace all cases not already satisfied, of horses lost to their owners in service as aforesaid, in battle or otherwise, when care</p>

and diligence be rendered manifest on the part of the owner; and if the death or loss of rangers' horses shall have occurred for want of forage, it be at places where, acting in obedience to the orders of commanding officers, forage could not have been procured by proper vigilance on the part of the owner: No payment however shall be made for horses or other property lost or destroyed, when the loss or destruction shall have been occasioned by the fault or neglect of the owner, or where by the terms of the contract, the risk was upon the owner of the property: and no greater sum of money than the fifty-two thousand dollars appropriated by this section, shall be drawn from the Treasury by reason of its provisions.

SEC. 2. *And be it further enacted*, That no part of the money appropriated by this act shall be applied to the payment of any volunteers, except for arrearages, or for any expenses growing out of the employment of any volunteers for the year eighteen hundred and thirty-eight.

APPROVED, March 3, 1839.

No money appropriated by this act to be applied, &c.

CHAP. XCIV.—*An Act making appropriations for the support of the army for the year one thousand eight hundred and thirty-nine.*

STATUTE III.

March 3, 1839.

[Obsolete.]

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 be paid out of any money in the Treasury not otherwise appropriated, for the support of the army during the year one thousand eight hundred and thirty-nine, that is to say:

For the pay of the army, one million five hundred and thirty-four thousand eight hundred and thirty-two dollars;

Pay.

For the subsistence of officers, four hundred and seventy thousand seven hundred and fifty-four dollars;

Subsistence of officers.

For forage of officers' horses, one hundred and eleven thousand one hundred and fifteen dollars;

Forage for officers' horses.

For payments in lieu of clothing to discharged soldiers, and to officers, in lieu of clothing for their servants, fifty-nine thousand four hundred dollars;

Payments in lieu of clothing.

For subsistence, exclusive of that of officers, one million one hundred and twenty-two thousand eight hundred and thirty-one dollars;

Subsistence.

For clothing of the army, camp and garrison equipage, cooking utensils, and hospital furniture, four hundred and seventy-three thousand four hundred and thirty-five dollars;

Clothing, &c.

For the medical and hospital department, twenty-four thousand four hundred dollars;

Medical and hospital department.
Supplies by Q. Master's dep't.

For the regular supplies furnished by the quartermaster's department, consisting of fuel, forage, straw, stationery, and printing, two hundred and forty-five thousand five hundred dollars;

Barracks, &c.

For barracks, quarters, store houses, embracing the repairs and enlargement of barracks, quarters, store houses, and hospitals, at the several posts; the erection of temporary cantonments at such posts as shall be occupied during the year, and of gun houses for the protection of the cannon at the forts on the seaboard; the purchase of the necessary tools and materials for the objects wanted, and of the authorized furniture for the barrack rooms; rent of quarters for officers; of barracks for troops at posts where there are no public buildings for their accommodation; of store houses for the safe keeping of subsistence, clothing, and other military supplies, and of grounds for summer cantonments, encampments, and military practice, one hundred thousand dollars;

For the allowance made to officers for the transportation of their baggage, when travelling on duty without troops, sixty thousand dollars;

Transportation of officers' baggage.

Transportation
of troops and
supplies.

For the transportation of troops, and supplies, viz : transportation of the army including the baggage of troops, when moving either by land or water; freight and ferriages; purchase or hire of horses, mules, oxen, carts, wagons, and boats, for the purpose of transportation, or for the use of garrison; drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay department; expense of sailing a public transport between the posts on the Gulf of Mexico, and of procuring water at such posts as, from their situation, require it; the transportation of clothing from the depot at Philadelphia to the stations of the troops; of subsistence from the places of purchase, and the points of delivery under contracts, to such places as the circumstances of the service may require it to be sent; of ordnance from the foundries and arsenals to the fortifications and frontier posts, and of lead from the western mines to the several arsenals, the sum of two hundred and five thousand dollars;

Quartermas-
ter's depart-
ment.

Act of March
2, 1819, ch. 45.

For the incidental expenses of the quartermaster's department, consisting of postage on public letters and packets; expenses of courts martial and courts of inquiry, including the compensation of judge advocates, members, and witnesses; extra pay to soldiers, under an act of Congress of the second of March, eighteen hundred and nineteen; expenses of expresses from the frontier posts; of the necessary articles for the interment of non-commissioned officers and soldiers; hire of laborers; compensation to clerks in the offices of quartermasters and assistant quartermasters at posts where their duties cannot be performed without such aid, and to temporary agents in charge of dismantled works, and in the performance of other duties; expenditures necessary to keep the two regiments of dragoons complete, including the purchase of horses to supply the place of those which may be lost and become unfit for service, and the erection of additional stables, one hundred and two thousand dollars;

Contingencies.

For contingencies of the army, seven thousand dollars;

Extra pay.

For two months' extra pay to re-enlisted soldiers, and for the contingent expenses of the recruiting service, thirty thousand nine hundred and twenty-seven dollars;

National ar-
mories.
Armament of
fortifications.
Ordnance ser-
vice.
Ordnance, &c.

For the national armories, three hundred and sixty thousand dollars;

For the armament of the fortifications, one hundred thousand dollars;

For the current expenses of the ordnance service, one hundred thousand dollars;

For ordnance, ordnance stores, and supplies, one hundred and twenty thousand dollars;

Arsenals.

For arsenals, one hundred and fifty thousand dollars;

Springfield ar-
mory.

For new machinery at the Springfield armory, twenty thousand dol-
lars;

Allegany and
Watertown ar-
senals.

For the purchase of land at the Allegany and Watertown arsenals, three
thousand five hundred dollars;

Drawing, &c.

For the expense of preparing drawings of a uniform system of artil-
lery, and for other supplies in the Ordnance Department, three thou-
sand eight hundred dollars;

Arrearages.

For arrearages prior to the 1st of July, eighteen hundred and fifteen,
per act of the first of May, eighteen hundred and twenty, payable
through the Third Auditor's Office, three thousand dollars;

Surveying, &c.
military road.

For surveying and opening of the western frontier military road,
being the balance of an appropriation carried to the surplus fund, fifty-
two thousand one hundred and twenty-five dollars and sixty-seven cents.

Appropriations
for fortifications.

SEC. 2. *And be it further enacted*, That the following sums be, and
the same are hereby, appropriated, out of any money in the Treasury
not otherwise appropriated, for the preservation, repairs, and construc-
tion of certain fortifications and incidental expenses for the year eigh-
teen hundred and thirty-nine, viz :

For preservation of Castle island, and repairs of Fort Independence, at Boston, twenty-five thousand dollars;	Castle island and Fort Independence.
For Fort Warren, at Boston, forty thousand dollars;	Fort Warren.
For Fort Adams, at Newport, ten thousand dollars;	Fort Adams.
For the fort at New London harbor, five thousand dollars;	New London harbor.
For Fort Schuyler, at New York, ten thousand dollars;	Fort Schuyler.
For repairs of Castle William and Fort Columbus, and officers' quarters, at New York, two thousand dollars;	Castle William, &c. at New York.
For Fort Delaware, ten thousand dollars. <i>Provided</i> , That no part of this appropriation shall be applied till the title of the said fortification shall be decided to be in the United States.	Ft. Delaware.
For Fort Monroe, ten thousand dollars;	Fort Monroe.
For Fort Calhoun, fifteen thousand dollars;	Fort Calhoun.
For Fort Caswell, five thousand dollars;	Fort Caswell.
For fortification in Charleston, South Carolina, and for the preservation of the site of Fort Moultrie, ten thousand dollars.	Fortification at Charleston, Fort Moultrie.
For Fort Pulaski, at Savannah, fifteen thousand dollars.	Fort Pulaski.
For Fort Marion and sea-wall at St. Augustine, ten thousand dollars.	Fort Marion.
For fort on Foster's Bank, Pensacola, five thousand dollars.	Fort on Foster's bank.
For contingencies of fortifications, ten thousand dollars.	Contingencies.
For incidental expenses attending the repairs of fortifications, and for the purchase of additional land in the neighbourhood, fifty thousand dollars;	Incidental expenses, &c.
For the fort at Grande Terre, being the amount of a former appropriation carried to the surplus fund, fifteen thousand dollars;	Ft. at Grande Terre.
For the preservation and repair of Fort Niagara, thirty thousand dollars;	Fort Niagara.
For repairing and rebuilding the old fort at Oswego, including the construction of the necessary barracks, twenty thousand dollars;	Fort at Oswego.
For barracks and other buildings at Sackett's Harbor, ten thousand dollars;	Sackett's Harbor.
For barracks and other buildings at Plattsburg, twenty thousand dollars;	Plattsburg.
For the construction of barracks, quarters, store-houses, hospitals and stable, and the necessary defences of the posts it may be deemed proper to establish for the better protection of the Western frontier, eighty thousand dollars.	Western frontier.
SEC. 3. <i>And be it further enacted</i> , That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the year one thousand eight hundred and thirty-nine, viz :	Military Academy.
For pay of officers, cadets, and musicians, fifty-nine thousand two hundred and twenty-eight dollars;	Pay.
For subsistence of officers and cadets, forty thousand and four dollars;	Subsistence.
For forage of officers' horses, three thousand nine hundred and thirty-six dollars;	Forage of officers' horses.
For clothing of officers' servants, three hundred and ninety dollars;	Clothing of officers' servants.
For defraying the expenses of the board of visitors at West Point, two thousand dollars;	Board of visitors.
For fuel, forage, stationery, printing, transportation, and postage, twelve thousand five hundred and eighty-one dollars and forty-five cents;	Fuel, &c.
For repairs, improvements, and expenses of buildings, grounds, roads, wharves, boats, and fences, seven thousand two hundred and twenty-one dollars and sixty cents;	Repairs, &c.
For pay of adjutant's and quartermaster's clerks, nine hundred and fifty dollars;	Adjutant's and quartermaster's clerks.
For increase and expenses of the library, one thousand dollars;	Library.

Miscellaneous.	For miscellaneous items and incidental expenses, seven hundred and thirty-one dollars and fifty cents ;
Engineering.	For the department of engineering, three hundred dollars ;
Philosophy.	For the department of philosophy, twelve hundred dollars ;
Mathematics.	For the department of mathematics, ninety-seven dollars and fifty-four cents ;
Chemistry.	For the department of chemistry, eight hundred and twenty-seven dollars and fifty cents ;
Drawing.	For the department of drawing, two hundred and eighty-five dollars ;
Tactics.	For the department of tactics, three hundred and sixty dollars ;
Artillery.	For the department of artillery, two hundred and seventy-five dollars ;
Reservoir.	For a reservoir, three thousand one hundred and eighteen dollars ;
Fire engines, &c.	For two fire-engines, with hose complete, one thousand nine hundred dollars ;
Completion of buildings.	For the completion of the buildings, for the library and the engineering, philosophical, and chemical departments, in addition to the appropriation of eighteen hundred and thirty-eight, sixteen thousand six hundred and forty-nine dollars and fifty cents.
Payment for horses of Missouri volunteers.	SEC. 4. <i>And be it further enacted</i> , That payment shall be made, under the directions of the Third Auditor, to the Missouri volunteers, whose horses were lost, or cast away at sea, or which perished or died in consequence of suffering at sea, in the voyage from New Orleans to Tampa Bay, in the year eighteen hundred and thirty-seven ; and that the sum of thirty-five thousand dollars, out of any money in the Treasury not otherwise appropriated, be, and the same hereby is, appropriated, to make said payments.
In cases of erroneous valuation, payment to be suspended.	And when it shall appear that erroneous valuations have been made of such property with a view to defraud the Government, the Secretary of War shall suspend payment therefor until a satisfactory investigation can be made, and it shall be made to appear that such valuation was made in good faith.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

[Obsolete.]

CHAP. XCV.—*An Act making appropriations for the naval service for the year one thousand eight hundred and thirty-nine.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated for the naval service for the year one thousand eight hundred and thirty-nine in addition to the unexpended balances of former appropriations, viz :

Pay of officers and seamen.	For pay of commissioned, warrant, and petty officers, and of seamen, two millions three hundred and fifty-two thousand six hundred and twenty-five dollars and sixty-four cents ;
Pay of sup'dts &c. at yards.	For pay of superintendents, naval constructors, and all the civil establishments at the several yards, forty-four thousand dollars ;
Provisions.	For provisions, six hundred thousand dollars ;
Repairs, &c.	For repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission, one million of dollars ;
Medicines, &c.	For medicines and surgical instruments, hospital stores, and other expenses on account of the sick, seventy-five thousand dollars ;
Portsmouth navy yard.	For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, thirty thousand dollars ;
Charlestown navy yard.	For improvement and necessary repairs of the navy yard at Charlestown, Massachusetts, twenty-six thousand dollars ;
Brooklyn navy yard.	For improvement and necessary repairs of the navy yard at Brooklyn, New York, seven thousand five hundred dollars ;
Philadelphia navy yard.	For improvement and necessary repairs of the navy yard at Philadelphia, Pennsylvania, eight thousand dollars ;

For the improvement and necessary repairs of the navy yard at Washington, twenty-six thousand dollars;	Washington navy yard.
For improvement and necessary repairs of the navy yard at Gosport, Virginia, sixty-four thousand dollars;	Gosport navy yard.
For improvement and necessary repairs of the navy yard near Pensacola, twenty-five thousand dollars;	Pensacola navy yard.
For ordnance and ordnance stores, sixty-five thousand dollars.	Ordnance, &c.
For defraying the expenses that may accrue for the following purposes, viz: for the freight and transportation of materials and stores of every description; for wharfage and dockage; storage and rent; traveling expenses of officers and transportation of seamen; house-rent for pursers when attached to yards and stations where no house is provided; for funeral expenses; for commissions, clerk-hire, office-rent, stationery, and fuel to navy agents; for premiums and incidental expenses of recruiting; for apprehending deserters; for compensation to judge advocates; for per diem allowance to persons attending courts-martial and courts of inquiry; for printing and stationery of every description, and for working the lithographic press; and for books, maps, charts, mathematical and nautical instruments, chronometers, models, and drawings; for the purchase and repair of fire-engines and machinery, and for the repair of steam-engines in navy yards; for the purchase and maintenance of oxen and horses, and for carts, timber wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage and towing ships of war; for taxes and assessments on public property; for assistance rendered to vessels in distress, for incidental labor at navy yards, not applicable to any other appropriation; for coal and other fuel, and for candles and oil for the use of navy yards and shore stations; for repairs of magazines or powder-houses; and for no other purpose whatever, four hundred and fifty thousand dollars;	Miscellaneous expenses.
For contingent expenses for objects not hereinbefore enumerated, three thousand dollars;	Expenses.
For pay of the officers, non-commissioned officers, musicians, and privates, and subsistence of the officers of the marine corps, one hundred and seventy-four thousand three hundred dollars;	Pay of marine corps, &c.
For the provisions of the non-commissioned officers, musicians, and privates serving on shore, servants and washerwomen, forty-five thousand and fifty dollars;	Provisions.
For clothing, forty-three thousand six hundred and sixty dollars;	Clothing.
For fuel, sixteen thousand two hundred and seventy dollars;	Fuel.
For keeping the present barracks in repair until new ones can be erected, and for the rent of temporary barracks at New York, ten thousand dollars;	Repair of barracks, &c.
For the transportation of officers, non-commissioned officers, musicians and privates, and expenses of recruiting, six thousand dollars;	Transportation.
For medicines, hospital stores, surgical instruments, and pay of matron; four thousand one hundred and thirty-nine dollars;	Medicines, &c.
For contingent expenses of said corps, freight, ferriage, toll, wharfage, and cartage, per diem allowance for attending courts of inquiry, compensation to judge advocates, house rent where there are no public quarters assigned, incidental labor in the quartermaster's department, expenses of burying deceased persons belonging to the marine corps, printing, stationery, forage, postage on public letters, expenses in pursuing deserters, candles and oil for the different stations, straw for the men, barrack furniture, bed-sacks, spades, axes, shovels, picks, and carpenter's tools, seventeen thousand nine hundred and seventy-seven dollars;	Expenses.
For military stores, pay of armorers, keeping arms in repair, drums, fifes, flags, accoutrements, and ordnance stores, two thousand dollars;	Military stores, &c.
For completing the hospital at New York, twenty thousand dollars;	Hospital at New York.

Naval asylum
at Philadelphia.

For conveying Schuylkill water to the naval asylum at Philadelphia, and for all necessary repairs, nine thousand seven hundred and sixty dollars;

Hospital near
Norfolk.

For current expenses of the hospital and its dependencies near Norfolk, one thousand five hundred dollars;

Hospital at
Pensacola.

For completing the hospital buildings at Pensacola, and building a wharf for landing the sick, four thousand dollars.

Steam vessels
of war.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Navy, under the direction of the President, to make preparations for, and to commence, the construction of three steam vessels of war, on such models as shall be most approved, according to the best advices they can obtain, or to complete the construction of one such vessel of war, upon a model so approved, as in the opinion of the President shall be best for the public interest, and most conformable to the demands of the public service; and that to enable the Department to carry into effect this requirement, a part of the sum already appropriated for the gradual improvement of the navy, equal to the sum of three hundred and thirty thousand dollars, shall be, and is hereby, directed to be subject to the disposition of the Department for this object, in case that amount can be diverted from that appropriation without a violation of existing contracts, and if that cannot be done consistently with the rights of contractors and the public interests, then so much of the said sum of three hundred and thirty thousand dollars as can be so diverted to this object, from the appropriation referred to, shall be subject to the disposition of the Secretary of the Navy for this purpose, and the residue of the said sum of three hundred and thirty thousand dollars shall be, and the same is hereby, appropriated, and shall be paid, out of any money in the Treasury not otherwise appropriated: and the said sum of three hundred and thirty thousand dollars, to be expended in the manner in this section prescribed, shall be in addition to any materials now on hand, applicable to the construction of the said steam vessels of war.

Appropriation.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

CHAP. CCXXVI.—*An Act to provide for the erection of a new jail in the city of Washington, District of Columbia.*

New jail to be
erected.

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 and required to cause a new jail to be erected for the county of Washington, in the District of Columbia, on such site as he may select; and that, for the purpose of carrying this act into effect, the sum of thirty-one thousand dollars be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated: *Provided always*, That the said jail shall be built by contract, under the superintendence of the architect of public buildings, and that the cost shall in no event exceed the said sum of thirty-one thousand dollars.

APPROVED, March 3, 1839.

STATUTE III.

March 3, 1839.

CHAP. CCXXIX. — *An Act to extend the jurisdiction of the corporation of the city of Washington over the Potomac bridge.*

Bounds ex-
tended. Corpo-
ration empow-
ered to adopt
rules, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bounds of the county of Washington, and of the corporation of the city of Washington, be, and the same are hereby, extended so far as to comprehend the causeway and bridge lately constructed from the said city across the river Potomac, to the opposite shore: and the said corporation are

hereby empowered to adopt and enforce such rules and regulations as they may deem necessary for the safety and security of property and of the persons passing the said causeway and bridge.

APPROVED, March 3, 1839.

RESOLUTIONS.

No. 1. *Resolution authorizing an examination and payment of the claims of the workmen upon the public buildings.*

Jan. 18, 1839.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioners appointed by the President of the United States to superintend the prosecution of the work in the construction of the new Treasury building, be, and they are hereby, authorized to examine the claims of the workmen to indemnity for the loss of their time during the suspension of the work upon said building, by order of the President of the United States, pending the question before Congress upon the bill reported by the Committee on Public Buildings, providing "for the removal of the walls of the Treasury building, and for the erection of a fire-proof building for the Post Office Department;" and that the said commissioners allow to such of said workmen, respectively, as were suspended from labor, during the pendency of said bill, with the encouragement and under an authorized assurance that, upon the decision thereof, their labor would again be required by the Government, and who, intermediately, had no opportunity of obtaining employment in the city of Washington, such reasonable indemnity for loss of wages for labor, during the suspension of the work, as, under the circumstances of their respective cases, justice and equity may require, not exceeding, however, in any case, the average rate of the earnings of such workmen in the employment of the Government for a like preceding period of time.

The commissioners appointed to superintend the construction of the new Treasury building, shall examine the claims of the workmen to indemnity, &c.

SEC. 2. *And be it further resolved,* That the Commissioner of Public Buildings be, and he hereby is, authorized to pay to the workmen respectively such sums of money as the commissioners aforesaid shall allow and certify pursuant to the foregoing resolution, out of any money in his hands appropriated by law to the construction of the new Treasury building.

Commissioner of public buildings to pay such sums, &c.

APPROVED, January 18, 1839.

No. 2. *A Resolution for the purchase of the island at the confluence of the St. Peters and Mississippi rivers.*

Feb. 13, 1839.

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 to contract with J. B. and J. Ferriault, for the purchase of the island at the confluence of the St. Peters and Mississippi rivers, and to report his proceedings to Congress, subject to their approbation or rejection.

Sec. War to contract for the purchase, &c.

APPROVED, February 13, 1839.

No. 3. *A Resolution directing the manner in which certain laws of the District of Columbia shall be executed.*

Feb. 16, 1839.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the acts of the State of Maryland for securing titles to vacant land, which were continued in force by the act of Congress of the twenty-seventh of February, eighteen hundred and one, in that part of the District of Columbia which was ceded to the United States by that State, and which have heretofore been inoperative for the want of appropriate officers or authority in the

The acts of Maryland for securing land titles to vacant land, shall be executed, &c. by the Secretary of the Treasury, &c.

1801, ch. 15.

said District for their due execution, shall hereafter be executed, as regards lands in the county of Washington and without the limits of the city of Washington, by the Secretary of the Treasury through the General Land Office, where applications shall be made for warrants, which warrants shall be directed to the surveyor for the county of Washington; who shall make return to the Commissioner of the General Land Office; and payment for said land, according to the said laws of Maryland, shall be made to the Treasurer of the United States, whose certificate of such payment shall be presented to the Commissioner of the General Land Office, who shall thereupon issue in the usual form of patents for lands by the United States, a patent for such land to the person entitled thereto; and the Secretary of the Treasury shall make such regulations as he may deem necessary, and shall designate the officers who shall carry the said acts into effect: *Provided*, That any land which may have been ceded to, or acquired by the United States for public purposes shall not be affected by such acts.

Proviso.

APPROVED, February 16, 1839.

Feb. 28, 1839. No. 4. *A Resolution authorizing certain certificates of deposit to be cancelled and reissued.*

Preamble.

1820, ch. 51.

Whereas sundry persons have deposited sums of money in the Treasury of the United States, under the provisions of the second section of the act making further provision for the sale of the public lands, approved twenty-fourth of April, eighteen hundred and twenty, and received certificates therefor, and, supposing the same to be assignable, have assigned the same, for a valuable consideration, to other persons; and whereas the said section is so construed by the Treasury Department, that such receipts or certificates are not available to the assignees; be it, therefore,

Certificates, on presentation, to be cancelled, and new ones issued.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States be, and he is hereby, authorized and required, on the presentation of any such certificate by an assignee or bona fide holder thereof, to allow said assignee or holder to surrender the same to be cancelled, and to issue a new certificate in the name of said assignee or holder, in lieu of the one so surrendered; which new certificate shall be received in payment for public lands, in the same manner as the original would have been had it not been transferred by the person who made the deposit; but the certificates to be issued under this resolution shall not be assignable.

APPROVED, February 28, 1839.

March 3, 1839. No. 9. *A Resolution to authorize the purchase of an island in the river Delaware, called the Pea Patch, and for other purposes.*

Sec. War to take measures to try the title of the U. S., to Pea Patch island—how.

If not in the U. S., authorized to purchase—how.

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 to take all necessary measures to try the title of the United States to the island in the Delaware commonly called the Pea Patch, by submitting all the questions growing out of the conflicting claims of the United States and the individual claimants, to the courts of law; and if it shall appear to the satisfaction of the said Secretary, that the title is not vested in the United States, and that the possession thereof is indispensable to the public interests, he is hereby authorized to purchase the same from the legal owner or owners thereof, either by appraisement or such other manner as he may deem most expedient; subject to the approval of Congress.

APPROVED, March 3, 1839.