nearly as possible, the lines and boundaries heretofore used and known as a highway, and he shall cause the lines and boundaries of the same to be permanently marked and fixed by the erection of stones or posts at the different angles thereof.

Obstructions to public highways to be removed.

SEC. 4. *And be it further enacted*, That all such roads as are named in the second section of this act as have been obstructed by any person or persons in any manner within the last six years shall be re-opened by the levy court, if, in the judgment of said court, the public convenience requires it; and the expenses thereby incurred shall be paid by the person or persons who shall have obstructed the same, which expenses shall be collected as fines are required to be collected under the second section of this act.

Width of roads.

SEC. 5. *And be it further enacted*, That hereafter, in laying out new roads in said county of Washington, the levy court shall cause such roads to be of a width of not less than fifty nor more than one hundred feet, and it may also cause the width of any of the existing roads in said county to be increased to not more than one hundred feet, and change the location of any of them, as the said levy court may deem best for the public interest; and, for the purpose of opening or widening such roads, the said levy court is hereby empowered to cause to be condemned any land or lands necessary for the same, as other lands are now condemned by law.

Land may be taken.

Materials for making and repairing public roads in certain cases.

SEC. 6. *And be it further enacted*, That in any case where materials shall be necessary for making or repairing a public road, if the levy court cannot agree with the owner as to their purchase, the said court may proceed in the same manner for condemning said materials as in cases of condemnation of land for the purposes of a public road.

Fields and gardens, when not to be taken for roads.

SEC. 7. *And be it further enacted*, That no field or garden or yard, in actual cultivation, shall be laid open or used as a public highway until after the usual time of taking off the crops growing thereon.

Members of levy court need not be taken from the justices of the peace.

SEC. 8. *And be it further enacted*, That the requirement in the existing laws, that members of the levy court shall be appointed from amongst the justices of the peace in the county of Washington, is hereby repealed.

APPROVED, May 3, 1862.

May 13, 1862.

CHAP. LXVI. — *An Act to amend an Act entitled "An Act to provide increased Revenue from Imports, to pay Interest on the Public Debt, and for other Purposes, approved August five, eighteen hundred and sixty-one."*

1861, ch. 45, § 53. *Ante*, pp. 311, 312.

Provision of former act, that State may pay its tax by release of its claims upon the United States — to apply to claims for expenses of volunteers filed before July 30, 1862.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision in the fifty-third section of the act "to provide increased revenue from imports, to pay interest on the public debt, and for other purposes," approved August five, eighteen hundred and sixty-one, allowing such portion of the tax as may be assessed by any State, Territory, or the District of Columbia "to be paid and satisfied, in whole or in part, by the release of such State, Territory, or District, duly executed, to the United States, of any liquidated and determined claim of such State, Territory, or District of equal amount against the United States: *Provided*, That in case of such release, such State, Territory, or District shall be allowed the same abatement of the amount of such tax as would be allowed in case of the payment of the same in money," shall be construed as applying to such claims of States for reimbursement of expenses incurred by them in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, as shall be filed with the proper officers of the United States before the thirtieth of July next. And in such cases the abatement of fifteen per centum shall be made on such portion

Abatement in such case.

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of said tax as may be paid by the allowance of such claims, in whole or in part, the same as if the final settlement and liquidation thereof had been made before the thirtieth of June.

APPROVED, May 13, 1862.

CHAP. LXVII. — *An Act to establish a Port of Entry in the Collection District of Beaufort, South Carolina.* May 13, 1862.

Port Royal, South Carolina, made a port of entry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a port of entry and delivery shall be and is hereby established in the collection district of Beaufort, in the State of South Carolina, at or near Hilton Head, to be called the port of Port Royal, which shall be subject to the same regulations and restrictions as other ports of entry and delivery in the United States; and there shall be appointed a collector of the customs, to reside at said port, who shall receive a salary of fifteen hundred dollars per annum. And the Secretary of the Treasury shall have power to appoint, on the nomination of the collector, such inspectors, weighers, gaugers, measurers, and other officers as may be necessary for the collection of the revenue at said port, whose compensation shall not exceed the rates allowed to similar officers at other ports of entry and delivery in the United States.

Officers, pay, &c.

APPROVED, May 13, 1862.

CHAP. LXIX. — *An Act to provide for the Deficiency in the Appropriation for the Pay of the two and three Years Volunteers, and the Officers and Men actually employed in the Western Department.* May 14, 1862.

Deficiency appropriation for volunteers.

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

Appropriation for officers and men in the Western Department.

SEC. 2. *And be it further enacted*, That there be and hereby is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, or so much thereof as may be necessary, to carry into effect the act approved March twenty-fifth, eighteen hundred and sixty-two, to secure pay, bounty, and pensions to officers and men actually employed in the Western Department, or Department of Missouri.

1862, ch. 49. *Ante*, p. 374.

APPROVED, May 14, 1862.

CHAP. LXX. — *An Act to facilitate the Discharge of enlisted Men for physical Disability.* May 14, 1862.

Medical inspectors may discharge certain enlisted men, with their consent.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the medical inspector general, or any medical inspector is hereby authorized and empowered to discharge from the service of the United States any soldier, or enlisted man, with the consent of such soldier or enlisted man, in the permanent hospitals, laboring under any physical disability which makes it disadvantageous to the service that he be retained therein, and the certificate in writing of such inspector general or medical inspector, setting forth the existence and nature of such physical disability, shall be sufficient evidence of such discharge: *Provided, however*, That every such certificate shall appear on its face to have been founded on personal inspection of the soldier so discharged, and shall specifically describe the nature and

Certificate of inspector to be evidence of discharge.

What certificate must show.